

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40115-2019
Date of Decision: 28.05.2020

Damanjeet Singh @ Happy

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner, in case FIR No. 68 dated 03.07.2019, registered at Police Station City Morinda, District Rupnagar, for the alleged commission of an offence punishable under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in custody for almost 11 months now, he having been arrested on 03.07.2019, with no other case under the provisions of the NDPS Act ever having been registered against him.

He further submits that the quantity of contraband alleged to have been recovered from the petitioner (as per the case of the prosecution), is 22

mililitres of Buprenorphine, with commercial quantity being above 20 milligrams, and thus the alleged recovery is only marginally above the commercial quantity (if at all the allegations against the petitioner are to be believed).

Learned State counsel does not deny the aforesaid factual position but submits that the quantity being commercial in nature, the petitioner does not deserve the concession of bail.

He however also could not deny that no prosecution witness has been examined so far.

Keeping in view the above and the fact that the trial is likely to take long as yet, especially because of the ongoing pandemic, without making any comment on the actual merits of the case, for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

May 28, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes