

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.205

CRM-M-41490-2019 (O&M)
Date of decision: 04.12.2020

Bakshish Singh @ Rana

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.84 dated 20.04.2019 registered under Section 15 of the NDPS Act and Section 180, 190(2), 192, 196 of the Motor Vehicle Act, 1988 at Police Station Samarala, police district Khanna, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody for the last over 01 year and 07 months; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; 11 prosecution witnesses still remain to be examined in the petitioner's trial and that for the last over 09 months no effective proceedings have taken place in the trial, therefore the same is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the period of incarceration of the petitioner; filing of the report under Section 173 Cr.P.C. and that there is no other criminal case in which the petitioner is involved but opposes the grant of bail on the ground that the petitioner was found illegal possession

of 72 kgs of poppy husk and that if released on bail he may indulge in similar offences.

The petitioner is a first time offender; he has already been in custody for the last over 01 year and 07 months; there is no other criminal case in which he is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; 11 prosecution witnesses still remain to be examined in the petitioner's trial and for the last over 09 months no effective proceedings have taken place in the trial, therefore the same is not likely conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 04, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No