

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-46489 of 2019

Date of Decision: 07.10.2020

Baldev Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.82 dated 12.07.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner has argued that the alleged recovery made from the petitioner is 510 intoxicant tablets of Tramadol and the petitioner is in custody for a period of about 1 year and 3 months. There is no other case pending against the petitioner under the NDPS Act.

No prosecution witness has been examined in the case so far. Learned

counsel has placed reliance upon order dated 28.08.2020 passed by this Court in CRM-M-51188-2019 *Tehal Singh Vs. State of Punjab*, wherein the alleged recovery made from the petitioner-therein was 415 grams of Tramadol tablets and he was admitted on bail.

Learned State counsel has filed the custody certificate of the petitioner through email and does not dispute the custody of the petitioner as well as the fact that there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

The petitioner is in custody for a period of 1 year, 2 months and 22 days and no other case has been pointed out against the petitioner. No prosecution witness has been examined so far. Considering the fact that trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of bail.

October 07, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No