

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-48886-2019

Date of Decision:13.08.2020

Gurjeet Singh @ Raju Cheema

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Raj Kumar Gupta, Advocate,
for the petitioner.

Mr. J.P. Ratra, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

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

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.62 dated 16.03.2019 under Sections 27/21 of the NDPS Act, 1985, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

The earlier petition i.e. CRM-M-21130-2019 filed by the petitioner was dismissed as withdrawn on 08.11.2019, however, with liberty to file a fresh petition.

Learned counsel for the petitioner submits that the alleged recovery is of 255 grams heroine, which includes the weight of polythene bag and in this manner, the recovered quantity is slightly higher than the

commercial quantity. He further submits that petitioner is in custody since 16.03.2019 (for about 01 year and 05 months). He states that though two more FIRs were registered against the petitioner, but in those cases, he has been acquitted by the trial Court and in this manner, there is no case pending against him.

Learned State Counsel does not dispute the custody period and the quantity so recovered from the petitioner. He further submits that out of total 12 witnesses cited by the prosecution, 04 witnesses have been examined in the case.

Heard learned counsel for the parties.

Petitioner is in custody since 16.03.2019 (for about 01 year and 05 months). Though two more FIRs were registered against the petitioner, but in those cases, he had been acquitted by the trial Court and in this manner, there is no case pending against him. Recovery in the case is of 255 grams of heroine which includes the weight of polythene bag and in this manner, recovered contraband is slightly higher than the commercial quantity. Out of total 12 witnesses cited by the prosecution, 04 witnesses have been examined. In the light of COVID-19 pandemic, trial is not likely to be concluded in the near future as the Courts are not functioning on regular basis. Thus, this Court deems it appropriate to admit the petitioner on bail.

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

However, it is made clear that the observations made

hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

August 13, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No