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

**CRM-M-48763-2019
Date of Decision: 29.09.2020**

Baljinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sunny K.Singla, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab, assisted by
ASI Ram Parkash.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.90 dated 16.04.2019, under Sections 22, 29, 61 and 85 of the NDPS Act & Sections 25, 54 and 59 of the Arms Act, registered at Police Station Jamalpur, District Ludhiana.

2. The petitioner has remained in detention for more than one year and five months, since his original custody, w.e.f. 21.04.2019, as seen from his Custody Certificate.

3. Ld. Counsel for the petitioner relies upon the decisions of the Co-ordinate Bench of this Court, in cases bearing **CRM-M-13685-2020** titled as **“Sher Singh Vs. State of Punjab”**, dated **15.06.2020**; **CRM-M-2831-2019** titled as **“Sunil Bhati @ Sunil Kumar Bhati Vs. State of Punjab”**, dated **13.01.2020**; **CRM-M-13732-2020** titled as **“Ricky Vs. Union of Territory, Chandigarh”**, dated **16.06.2020** and **CRM-M-46998-2019** titled as **“Harwinder Singh Vs. State of Punjab”**, dated **10.02.2020**, in which the petitioners, from whom *Buprenorphine* injections had been recovered, were nevertheless released on bail, in view of the fact that they were not reported to be involved in any other case under the NDPS Act, and also that on account of existing Covid-19 pandemic, routine trial of the cases would take a long time.

4. It transpires that in the present case, challan was submitted as far back as on 04.07.2019 and the charges were framed on 22.08.2019. Thereafter, however, only two prosecution witnesses, out of the total 22 prosecution witnesses cited in the challan, could be examined. It further transpires that the petitioner is not involved in any other case under the NDPS Act, although he is undergoing trial in a separate FIR bearing No.35 dated 09.04.2019, under Sections 307/324/427 of the IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Sadar Nawanshahr, District SBS Nagar.

5. In these circumstances, without commenting any further on the merits of the present case as a whole, and in view of the detention undergone by the petitioner, as also the fact that the trial is likely to take its own considerable time due to ongoing Covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on regular

bail, subject to appropriate terms and conditions to the satisfaction of the Ld.
Trial Court/Duty Magistrate, concerned.

6. Disposed off.

29.09.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No