

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

(Heard through VC)

CRM-M-48858 of 2019 (O&M)
Date of Decision: October 13, 2020

Gagandeep Verma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Ms. Monika Jalota, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.53 dated 22.06.2019, under Section 22 of NDPS Act, registered at Police Station Sadar Rajpura, District Patiala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 22.06.2019. It is argued that out of total 30 witnesses, the only witness was examined on 26.11.2019 and since then, no witness has been examined. In fact, the only witness who had been examined, has been recalled on an application filed under Section 311 of Cr.P.C. It is also contended that allegedly 2040 tablets of Diphenoxylate Hydrochloride were recovered from the possession of the

petitioner herein. It is submitted that the Coordinate Bench of this court in CRM-M-14542 of 2020 titled as *Deepinder Singh vs. State of Punjab*, in which allegedly 2160 tablets of Diphenoxylate Hydrochloride were recovered, had allowed bail to the petitioner therein by an order dated 30.09.2020, considering the fact that there are no chances to conclude the trial in the near future due Covid-19 pandemic situation.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner. She urges that petitioner herein is not entitled to regular bail, keeping in view the provisions of Section 37 of the NDPS Act, which are stringent in nature.

I have heard learned counsel for the parties.

No doubt, provisions of Section 37 of NDPS Act are stringent in nature and does not permit bail to be allowed to the accused in case of commercial quantity. However, this is an unprecedented time, when the courts are not working because of Covid-19 pandemic. In view of the facts that the petitioner herein has been in custody since 22.06.2019 and the only witness examined out of total 30 witnesses has been recalled on an application filed under Section 311 Cr.P.C., as well as keeping in view the prevailing Covid-19 pandemic situation, this court deems it appropriate to allow interim bail for a period of 03 months to the petitioner, by which time hopefully the courts will start functioning. As such, at this stage, without commenting on the merits of the case, the petitioner is directed to be released on interim bail for a period of three months on execution of personal bond in the sum of ₹ 50,000/- with one surety in the like amount to

the satisfaction of concerned trial Court/Duty Magistrate. It is made clear after the expiry of period of three months, the petitioner herein will surrender.

The petition stands disposed of accordingly.

October 13, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No