

CRM-M-49398-2019

Date of decision: 26.10.2020

Subhash Chander Rathore

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Sandeep Passi, Advocate
for the petitioner.Mr. Jagmohan Ghuman, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The allegations against the petitioner-Subhash Chander Rathore, who is in judicial custody has come in this first regular bail application moved under Section 439 Cr.P.C. in a case bearing FIR No.187 dated 09.09.2019 under Section 22 of the NDPS Act registered at Police Station City Jagraon District Ludhiana Rural, are that 1500 intoxicating tablets have been got recovered from his possession.

Learned counsel for the petitioner *inter alia* contends that

the petitioner is a licensed chemist and has been falsely implicated in the present case. He has further stated that the petitioner is behind the bars for about 01 year 01 month and 04 days and has placed reliance on CRM-M-16336-2020 (O&M) decided on 29.07.2020 titled as **'Sanjay Kumar versus State of Punjab'**, CRM-M-15530-2020 (O&M) decided on 24.07.2020 titled as **'Sagar Arora versus State of Punjab'**, CRM-M-19285-2020 decided on 06.08.2020 titled as **'Taranjit Singh @ Tarni versus State of Punjab'**, CRM-M-46318-2019 decided on 17.12.2019 titled as **'Jagsir Singh @ Seera versus State of Punjab'** and CRM-M-16824-2020 decided on 30.06.2020 titled as **'Raj Kumar versus Narcotic Control Bureau, Chandigarh'**, to seek parity.

The learned State counsel has strongly opposed the bail on the grounds that the petitioner is the owner of the licensed chemist shop and while travelling, was apprehended with 1500 intoxicating tablets.

Keeping in view that the petitioner is admittedly a licensed chemist, entitled to the possession of such tablets and was apprehended while travelling, therefore, his culpability is subject to evidence at the trial. The petitioner is behind the bars for more than one year, it would be travesty of justice to keep him in custody for more time. In light of the present scenario, where efforts are being made by the authorities to decongest the jails to prevent the further spread of malady and in view of the ratios cited at the bar,

this Court, without commenting on the merits of the case, impels to allow the present petition.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

26.10.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No