

Sr. No.210

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

CRM-M-49434 of 2019 (O&M)

DATE OF DECISION : 30.09.2020

Shagan Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. P.S. Walia, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No.163 dated 04.08.2019, under Sections 15, 22 of the NDPS Act, 1985 and Sections 61/1/14 of the Punjab Excise Act, 1914 added later on vide Rapat No.13 dated 04.09.2019, registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Tramadol tablets with a total weight of 338 grams and 1 kg of poppy husk was allegedly recovered from the petitioner and his co-accused, along with 30 litres of 'lahan'. Learned counsel for petitioner contends that the petitioner is not involved in any other case under the NDPS Act or Excise Act. The petitioner is in custody for over 1 year and 1 month and there is violation of mandatory provisions of NDPS Act.

3. Learned counsel submits that co-accused of the petitioner, namely, Sukhmander Singh, who is similarly situated with the petitioner, has been granted the benefit of regular bail by virtue of order dated 14.08.2020 passed by a Coordinate Bench of this Court in CRM-M-21898 of 2020 and on the ground of parity alone, petitioner is entitled to the same relied.

4. He also relies on view taken by coordinate Bench of this Court in the case of Kashmir Singh vs. State of Punjab, in CRM-M-7437 of 2019, decided on 21.02.2019. The petitioner therein had been granted regular bail as he was in custody for over seven months. Similarly, in the case of Karaj Singh vs. State of Punjab, in CRM-M-23811 of 2018, decided on 09.07.2018, the petitioner therein had been granted regular bail after custody of six months.

6. Learned State counsel does not controvert the above submissions of learned counsel for the petitioner. He submits that same shall be adjudicated at the trial.

7. Trial is, however, presently held up due to Covid-19 pandemic. There is no likelihood of commencement or conclusion thereof anytime soon. Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters. The petitioner is not involved in any other case and he is in custody for about 1 year and 02 months. The witnesses are official and thus, there is no occasion with the petitioner to influence or put pressure upon them. Moreover, on the ground of parity alone, the petitioner is entitled to be released on bail. Accordingly, given the over all scenario, I am of the opinion that no useful purpose would be served by keeping petitioner in custody any more.

8. In the premise, without expressing any opinion on the merits of the case, at this juncture, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

9. Petition stands allowed accordingly.

(ARUN MONGA)
JUDGE

September 30, 2020
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No