

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

Sr. No.202

CRM-M-49845-2019

Date of decision : 29.07.2020

Varun Kumar alias Prince

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0029 dated 28.03.2017, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the Act) at Police Station Jodhan, District Ludhiana.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; there is clear violation of Section 50 of the Act; he is in custody for over one year and one month; there is no other criminal case in which he is involved; while on interim bail the petitioner never misused the concession of bail and in the trial no prosecution witnesses have been examined and therefore, it is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail on the ground that commercial quantity of narcotics has been recovered from the petitioner.

The petitioner is in custody for over one year and one month; while on interim bail for a period of over two years the petitioner did not misuse the concession so granted; there is no other criminal case in which he is involved and since no prosecution witness has been examined till date, the trial which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the pandemic Covid-19.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

July 29, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No