

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

CRM M-51212 of 2019 (O&M)

Date of Decision: August 27, 2020

Gurdeep Singh @ Deep SinghPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Gurdeep Singh @ Deep Singh who is in custody has come in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 198 dated 04.08.2019 under Sections 22-C and 27-A of NDPS Act, 1985 registered at Police Station Rattia District Fatehabad.

As per the prosecution on the allegations the

accused was apprehended by the police with a polythene bag containing intoxicant tablets in all 440 in number containing 380.60 grams of intoxicant compound *Tramadol Hydrochloride*.

Mr. Parminder Singh Sekhon, learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bar for almost 01 year and 01 month and has sought to take refuge to the prevalent pandemic COVID 19 situation to hold out that trial is not likely to be completed in the near future. In support of his contentions he has placed reliance on CRM M-8723 of 2020 decided on 14.08.2020 titled as **Jagga Singh Vs. State of Haryana.**

Mr. Baljinder Virk, DAG, Haryana, learned State counsel though does not controverts the facts but has opposed the bail on the grounds of being commercial quantity as the contraband was above 250 grams.

The petitioner, admittedly, is behind the bars for more 01 year and 01 month. In the light of the period of incarceration, the prevalent situation of pandemic COVID-19 there is every likelihood that the investigations and trial are not likely to be concluded in near future and that the authorities are making frantic efforts to decongest the jails to prevent its spread and in view of the principle of parity as has been the ratio cited before this Court without adverting on to the merits, the present

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

However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off.

August 27, 2020

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No