

203-1

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

CRM-M-52438-2019(O&M)

Date of decision : 07.12.2020

Dharma Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Manpreet Ghuman, Advocate for
Mr. Vikas Arora, Advocate for the petitioner.

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

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.334 dated 28.08.2019 under Sections 21/22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. His name does not figure in the FIR and he was not apprehended at the spot. The name of the petitioner for the first time appeared during the disclosure statement of the co-accused. She would further contend that the quantity recovered from the present petitioner is non-commercial in nature.

Learned counsel for the petitioner has further contended that the challan already stands presented and the petitioner has been in custody since 05.09.2019.

Learned counsel for the State has filed the status report by way of affidavit of Lakhvir Singh, PPS, Deputy Superintendent of Police, Sub Division Barnala and has contended that there is one other case pending against the petitioner under the NDPS Act. He, however, is not in a position to deny the fact that similarly situated co-accused have already been granted bail and further that the petitioner has been in custody since 05.09.2019 and the challan already stands presented.

In view of the above and considering the fact that the quantity of alleged recovery effected is non-commercial in nature and the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

07.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO