

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

CRM M-424 of 2020

Date of Decision: August 14, 2020

Ravinder Kumar @ ShellyPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Randeep Singh Waraich, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Ravinder Kumar @ Shelly who is in judicial custody has come in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 140 dated 06.07.2019 under Section 18 of the NDPS Act 1985 registered at Police Station City Sangrur, District Sangrur.

The allegations in brief are that on 06.07.2019 police

claimed to have received a secret information that petitioner Ravinder Kumar @ Shelly alongwith non/applicant/co-accused Harpreet Mudgil was transporting opium in a car leading to registration of the FIR and it is subsequent thereto they claimed to have apprehended the accused while going in a car with his co-accused and upon search of the vehicle 7 kgs of opium is alleged to have recovered.

Mr. R.S. Waraich, learned counsel for the petitioner *inter alia* contends that the petitioner in fact had been falsely implicated on account of his personal dispute and has drawn the attention of this Court to order dated 25.02.2020 passed in CRM-M-41269 of 2019 titled as Rang Roop Kaur Vs. State of Punjab and others by this Court to drive home the point that it was a false implication and the accused was apprehended from his residence by the police and who forcefully and illegally took away cash of real estate transactions amounting to Rs.10,60,000/- and the police in stead had shown recovery of Rs.4,02,000/- alongwith his licensed weapon. It is contended that the petitioner is behind the bars since more than 01 year and 01 month and has sought to place reliance on CRM M-15530 of 2020 (O&M) decided on 24.7.2020 titled as **Sagar Arora Vs. State of Punjab**, CRM-M-19285 of 2020 decided on 06.08.2020 titled as **Taranjit Singh @ Tarni Vs. State of**

Punjab and CRM M-46318 of 2019 decided on 17.12.2019 titled as **Jagsir Singh @ Seera Vs. State of Punjab**.

Learned State counsel has opposed the bail on the grounds of heinousness of the offence and seriousness of the allegations who concedes that petitioner has a clean slate and there is no other criminal case registered against him till date.

Appreciating the submissions, admittedly, the wife of the petitioner has moved the authorities over the alleged high-handedness of the police and has even sought transfer of the investigations regarding which orders have been passed by this Court on 25.02.2020. The own stand of the State that the petitioner has undergone more than 01 year and in view of the citations cited by the learned counsel for the petitioner in a similar situation and quantities of recovery keeping in view the period of incarceration and the fact that due to prevalent COVID 19 pandemic situation, this Court has been releasing the accused on bail, thus, in the light of principle of parity and to bring about the uniformity in judicial pronouncements of this Court and the fact that in view of this prevalent situation of COVID 19, it is necessary to decongest the jails which are over stuffed and the trial is not likely to proceed ahead, this Court keeping in view of the long custody period and without adverting on to the merits deems it appropriate to release the petitioner on

bail. 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 14, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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