

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

(Through video conferencing)

CRM-M-811-2020 (O&M)

Date of decision: 02.03.2021

Babbal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. J.S. Sandhu, Advocate for
Mr. Paramjit Singh Brar, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.52 dated 30.03.2019 registered under Section 22 of NDPS Act, 1985 at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has been in custody for 2 years for being found in possession of 12 vials of Codirex, which was just marginally higher than commercial quantity. It has been submitted that even though the charges were framed way back on 21.12.2019, however, only 2 out of 12 prosecution witnesses have been examined. Hence, there is no likelihood of the trial concluding in the near future.

Learned counsel has also apprised this Court that co-accused Raju and Harjit @ Ravi, who too were apprehended along with alleged contraband with him have since been extended the concession of bail.

Per contra learned State counsel on instructions from ASI Bhupinder Singh has not been able to controvert the factual submissions made by the learned counsel for the petitioner qua the recovery effected from his possession and also the fact of similarly situated co-accused having been extended the concession of bail.

Heard.

Keeping in view the fact that the petitioner has been in custody for 2 years and due to the outbreak of the pandemic Covid-19, the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

02.03.2021

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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No