

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

CRM M-1200 of 2021 (O&M)

Date of Decision: July 23, 2021

Amarjeet @ Soni

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. B.S. Jattana, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Amarjeet @ Soni has come up in this third regular bail application under Section 439 Cr.P.C. moved in FIR No. 175 dated 09.12.2019 under Sections 22, 25 and Section 29 (added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bareta, District Mansa, the first two having been dismissed as withdrawn on 03.06.2020 and 16.10.2020.

The primary allegations are as follows:-

“On 09.12.2019, the police party signaled one motorcyclist to stop who took a sudden turn but the engine stopped. On the motorcycle were two young boys who fell down and so the bag lying in between them, out of which strips of tablets got scattered. On examination, the tablets numbering 1000 were found of Tramadol Hydrochloride Tablets”.

Mr. B.S.Jattana, counsel for the petitioner has submitted that the petitioner is behind the bars for more than 01 year and 07 months and that it is the case of the prosecution that recovery was made from the ground and, therefore, has sought to displace the averment that it was from the conscious possession of the accused/petitioner.

Mr. Harbir Sandhu, AAG, Punjab on behalf of the State has opposed the bail in view of seriousness of offence but submitted that there is no other criminal case against the petitioner.

Admittedly, the petitioner is behind the bars for more than 01 year and 07 months and the trial is yet to commence. There is no other criminal case of similar nature against the petitioner as per the stand of the learned State counsel. Keeping in view the period of detention and the prevalent Covid-19 pandemic, there is every likelihood the trial is likely to be prolonged. Moreover, the State is endeavouring to decongest

the jails to prevent the spread of pandemic and besides the fact that the very question of conscious possession is a debatable one necessitates allowing the bail application. 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 accordingly.

July 23, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

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