

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

CRM M-3795 of 2021 (O&M)

Date of Decision: April 28, 2021

Gaurav Kumar		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Amit Sharma, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G. Punjab.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Gaurav Kumar has moved this second regular bail application under Section 439 of Cr.P.C. in FIR No. 128 dated 02.12.2019 under Section 22 of N.D.P.S. Act registered at Police Station S.T.F., Phase 4, S.A.S. Nagar,

Punjab.

The brief allegations against the petitioner are that on secret information police apprehended the petitioner who was carrying a black bag on his left shoulder and on search of the same, 50 injections of Pheniramine Maleate (intoxicating nature) were got recovered.

Mr. Amit Sharma, counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since more than 1 year, 4 months and 23 days and has shown his apprehension that the trial is likely to be prolonged in view of the present pandemic scenario.

Mr. S.P.S. Tinna, Addl. A.G. Punjab on behalf of the State does not displace the facts but has opposed the bail on the ground of seriousness of the offence.

Be so as it is, without feeling the necessity adverting on to the merits of the case, the admitted fact the petitioner has undergone incarceration for almost 01 year and 05 months and

keeping view the prevalent Covid 19 Pandemic, there is every likelihood that the trial is going to be prolonged. More so, the Court should endeavor to decongest the jails to prevent larger calamity and spread of decease and in the light of the same and the fact that the petitioner is not facing any other criminal case of similar nature impels this Court to allow the present application and grant the 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 on the merits of the case.

Disposed off.

April 28, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

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