

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

Sr. No.218

CRM-M-5289-2021

Date of decision: 15.02.2021

Hira Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.223 dated 07.10.2020 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Lohian, District Jalandhar Rural.

The petitioner is sought to be prosecuted for being in illegal possession of 1.250 gms of opium.

Learned counsel for the petitioner submits that the petitioner, who is a 24 years old young man, has been falsely implicated in the present case; the petitioner has been in custody since 07.10.2020; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; even if the case of the prosecution is accepted as gospel the truth, though vehemently denied, the alleged recovery from the petitioner is of 1.250 gms of opium which is classified as “non-commercial” quantity under the NDPS Act and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 1.250 gms of opium and if he is released on bail he may indulge in similar offences.

The petitioner is a young man aged 24 years; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; the alleged recovery from the petitioner is of 1.250 gms of opium which is classified as “non-commercial” quantity under the NDPS Act and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 15, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No