

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

201

CRM-M-6170-2020

Date of decision : 06.01.2021

Tariq Ahmad Khan

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.23 dated 14.04.2019 under Sections 15, 61 of the NDPS Act, 1985 and Section 25 of the Arms Act, registered at Police Station Sujanpur, district Pathankot.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is alleged that recovery of poppy husk with a total weight of 73 kgs. along with 07 empty cartridges of AK-47 were allegedly effected from a truck which was parked on the highway after it met with an accident. The petitioner has been arraigned as an accused on the statement of co-accused. He also contends that the petitioner is in custody for over one year and is not involved in any other case under the NDPS Act.

Learned State counsel has filed custody certificate in Court through e-mail, which indicates that the petitioner is custody for 01 year and 24 days as on 05.01.2021. He, upon instructions from SI Angrej Singh, contends that although challan has been presented but no prosecution witness has been examined.

Heard through video conferencing.

In view of the above especially when the petitioner is not named in the FIR, he has been arraigned as an accused on the statement of co-accused, he is in custody for over a year, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

January 06, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No