

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

CRM-M-10763 of 2021.

Decided on:- March 15, 2021.

Vijay Kumar @ Deepa.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Mr. Sarabjit Singh Cheema, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.196 dated 17.12.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Satnampura, Phagwara, District Kapurthala.

In the aforesaid FIR, 1190 intoxicant capsules of Pervorin-Spas were allegedly recovered from an iron can/tin thrown by the petitioner on the road side on seeing the Nakabandi.

Learned counsel for the petitioner submits that in the present case, the accused was initially arrested on 17.12.2019. However, vide order

dated 07.03.2020 (Annexure P-2) passed by learned Special Court, Kapurthala, the petitioner was granted interim bail till receipt of the FSL report. Thereafter, on receipt of the FSL report, the petitioner surrendered before the trial Court on 06.07.2020 and since then, he is in custody. The petitioner is not involved in any other case.

In support of his contentions, learned counsel for the petitioner has relied upon the order dated 15.10.2020 passed in *CRM-M-12651 of 2020* titled as *Vakeel Singh @ Vakil Singh Versus State of Punjab* and the order dated 19.01.2021 passed in *CRM-M-38051 of 2020* titled as *Gursewak Singh Versus State of Haryana*, whereby the petitioners in those petitions were admitted on bail by this Court in similar circumstances.

Learned State counsel does not dispute the custody of the petitioner and the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Considering the custody of the petitioner and the fact that he is not involved in any other case, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail in this case.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

March 15, 2021

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No