

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

Sr. No.209

CRM-M-9069-2020

Date of decision: 08.03.2021

Brij Mohan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. PBS Goraya, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, 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.85 dated 27.09.2015 registered under Sections 22, 29, 61, 85 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Chohla Sahib, District Tarn Taran.

The petitioner is being prosecuted for having been found in illegal possession of 95 grams of Diphenoxylate.

Learned counsel for the petitioner submits that the petitioner, who is a young boy aged 24 years has been falsely implicated in the case; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 23.11.2019 and that the petitioner's trial in which 09 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that on 09.09.2019, he was declared a proclaimed offender; the petitioner was found in illegal possession of 95 grams of Diphenoxylate and if he is released on bail he may indulge in similar offences.

The petitioner is a young boy aged 24 years; there is no other criminal case in which he is involved; the petitioner has suffered actual custody of nearly 1½ years and that the petitioner's trial in which 09

prosecution witnesses still remain to be examined 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, Tarn Taran, who shall insist on at least two heavy local sureties, 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

March 08, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No