

CRM-M-12342-2021

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

CRM-M-12342-2021 (O&M)

Date of decision: 19.07.2021

Onkar Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-15964-2021

Prayer in the present application under Section 482 Cr.P.C. is for preponement of the date of hearing of the main case, which is fixed for 10.09.2021.

Notice of the application.

On the asking of this Court, learned State counsel, accepts notice on behalf of the respondent-State and submits that he has no objection, if the aforesaid prayer is allowed.

CRM-M-12342-2021

In view of the above, the application is allowed and the date of hearing of the main case is preponed from 10.09.2021 to that of today and the same is taken on the Board for hearing.

CRM-20951-2021

Application is allowed as prayed for. Annexures P-4 to P-9, are taken on record, subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 134 dated 15.12.2019, registered under Section 21 of the NDPS Act, 1985, at Police Station Lambra, District Jalandhar Rural.

Learned counsel for the petitioner states that the petitioner has been in custody since 15.12.2019; that the alleged recovery of heroin effected on the basis of some secret information, had been planted upon him; that Sections 42 and 50 of the NDPS Act have not been complied with; that there is no other case pending or registered against the petitioner.

Learned State counsel, while opposing the grant of bail to the petitioner, points out that 450 gram of heroin was recovered from the petitioner, which falls under the commercial quantity. He also submits that the provisions of the NDPS Act were complied with at the spot. However, he submits that challan has been presented.

I have heard the learned counsel for the parties.

CRM-M-12342-2021

Challan stands presented. The petitioner has been in custody since 15.12.2019. Trial of the case would take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, the petitioner is not involved in any other case, at least of a similar nature.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No