

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

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**CRM-M-12699-2021
Decided on : 25.03.2021**

Manoj Kumar @ Bhola

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

(The proceedings have been conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.196 dated 17.12.2019 under Section 22 of NDPS Act, registered at Police Station Satnampura, Phagwara, District Kapurthala, by filing the second petition.

The first petition was dismissed on account of the fact that the petitioner had approached this Court at the initial stage when the interim bail had been cancelled, which had been granted while awaiting the report of the Chemical Analyst. Resultantly, the petitioner had been relegated to his remedy before the Special Court, Kapurthala, on 25.08.2020 in CRM-M-23705-2020 (Annexure P-4).

The regular bail had been declined by the Special Court, Kapurthala on 16.12.2020 (Annexure P-6) on the ground that there was a recovery of 1190 intoxicants capsules of Pervorin-Spas and the commercial

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quantity of the contraband would come to 727.09 gms of Tramadol.

Counsel for the petitioner has submitted that as per the FIR itself, the petitioner alongwith his brother who was sitting as a pillion rider were coming from the side of Khera Railway Crossing. On being stopped by the police party, his brother had thrown a iron can on the left side of the road and at that point of time they had been apprehended. He pointed out that the brother namely Vijay Kumar @ Deepa has been granted the benefit of regular bail on 15.03.2021 in CRM-M-10763-2021 (Annexure P-5) while noting the fact that he was not involved in any other case.

The custody certificate has been filed by the State, which shows that the petitioner has undergone 1 year 1 month and 19 days as on 24.03.2021. The said certificate does not depict that there is any other case of similar nature is pending against the petitioner.

Keeping in view the fact that the charge has been framed on 06.07.2020 and, thereafter, prosecution witnesses have not been examined, in view of the Covid-19 situation, the trial is likely to take considerable time. Thus, this Court feels that even on account of parity, the petitioner as such is entitled for regular bail. Accordingly, the present petition is allowed. The petitioner shall be released on regular bail on furnishing of adequate bail/surety bonds to the satisfaction of Illaqa Magistrate/Duty Magistrate, Kapurthala.

(G.S. SANDHAWALIA)
JUDGE

MARCH 25, 2021

Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No