

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-13186-2021
Decided on : 26.03.2021

Jony

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.K.Singla, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.121 dated 30.09.2020 under Section 21 of the NDPS Act, 1985 (later on added Section 31 of the NDPS Act and Section 207 of the M.V. Act), registered at Police Station STF Phase-IV, SAS Nagar Mohali.

Learned counsel for the petitioner *inter alia* contends that neither was the petitioner the owner nor driving the vehicle from which the recovery of 267 grams of heroin was effected. Learned counsel has further submitted that the recovery was allegedly effected from a bag, which was lying in the vehicle next to the gear box and hence, it could not be said to have been recovered from the conscious possession of the petitioner. It has also been contended that the alleged recovery of 267 grams of heroin is marginally above the minimum commercial quantity and the petitioner is not involved in any other criminal case, much less, under the NDPS Act.

The petitioner has been in custody since 30th September, 2020 and there is

no likelihood of the trial concluding anytime in the near future, as only challan has been presented till date. Learned counsel has also submitted that similarly situated co-accused Gurwinder Singh has since been extended the concession of bail by this Court vide order dated 22.02.2021.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Kuljeet Kaur, has conceded that the petitioner was not the owner of the vehicle but was just a passenger in the car from which the alleged recovery was effected. He has, however, not been able to controvert the factum of the petitioner not being involved in any other case other than the present one.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 30.09.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

26.03.2021
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No