

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

Sr. No.217

CRM-M-9596-2020

Date of decision: 18.01.2021

Rajesh Kumar @ Kalu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Amit Mehta, Sr. DAG, 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.192 dated 16.12.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No.8, District Jalandhar Commissionerate.

The petitioner is sought to be prosecuted for illegal possession of 45 injections of Buprenorphine.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 16.12.2019; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; for the last about 10 months, no effective proceedings have been taken place in the petitioner's trial for which he cannot be blamed and that the trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the period of incarceration of the petitioner; the fact that the petitioner is not involved in any other criminal case and that the report under Section 173 Cr.P.C. has already been filed but opposes the grant of bail to the petitioner on the ground that he

has been found to be in illegal possession of 45 injections of Buprenorphine and that if he is released on bail he may indulge in similar offences.

Whether the petitioner has been falsely implicated in the case would be debated during the course of the trial. However, the petitioner has been in custody since 16.12.2019; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; for the last about 10 months, no effective proceedings have been taken place in the petitioner's trial for which he cannot be blamed and that the petitioner's trial which is yet to begin 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, Jalandhar, 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

January 18, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No