

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

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**CRM-M-16186-2021 (O&M)
Decided on : 09.04.2021**

Dalel Singh @ Harman

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Paramjit Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 06, dated 07.01.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') (Section 29 of the NDPS Act added later on), lodged at Police Station Jhunir, District Mansa.

Learned counsel for the petitioner contends that a false case has been planted upon the petitioner and in fact, he was never apprehended by the police with the alleged contraband, as has been alleged in the FIR in question. He further submits that even for the sake of arguments, though not admitted, that recovery of 650 tablets of Clovidol-100SR (as per the FSL report, Tramadol salt has been found and the average weight of one tablet was 411.25 mg and as such accused was found in possession of 267 gram Tramadol) was effected from him, which is just marginally higher than the minimum commercial quantity as provided for under the NDPS Act.

Per contra, learned State counsel while opposing the prayer

and submissions made by learned counsel for the petitioner, on instructions from ASI Paramjit Singh, has submitted that 02 out of the 10 prosecution witnesses cited, have been examined so far and the delay in the conclusion of the trial has been on account of the outbreak of pandemic COVID-19. On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other case under the NDPS Act, he on instructions, has replied in the negative.

Heard.

Having considered the submissions made by either side and keeping in view the fact that the petitioner has been behind bars admittedly since 07th January, 2020 and the trial is proceeding at a slow pace on account of the outbreak of COVID-19, no useful purpose would be served in keeping the petitioner behind the bars. 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 herein shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 22, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*