

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

**CRM-M-23004-2021
Date of decision: 27.08.2021**

Imran Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0248 dated 11.09.2020, registered under Sections 18, 25, 29 of the NDPS Act, 1985 at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner, at the very outset, relies upon order dated 25.05.2021 passed in CRM-M-20306-2021, vide which co-accused Ghisa Lal Dhaker @ Gheesa Lal has already been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that it is a case of chance recovery. The petitioner was travelling in a truck as a gratuitous person and when he was dropped near Moga, the police apprehended them. The recovery was made from the back seat of the truck. Learned counsel

further submits that the petitioner is not involved in any other case and he has been falsely implicated in the present FIR.

On instructions from ASI Kashmir Singh, learned State counsel submits that challan in this case has been presented on 09.03.2021 and there are total of 18 witnesses, out of which, none has been examined till date. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case. Learned State counsel does not dispute the factual position, however, opposes the bail on merits.

Faced with the situation, learned counsel for the petitioner submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing heavy bail bonds/surety bonds.”

For the sake of brevity, the facts are not reproduced here again.

Learned counsel for the petitioner further submits that allegations against the present petitioner are similar to that of co-accused Ghisa Lal Dhaker @ Gheesa Lal as he was also one of the occupant of the truck, which was driven by driver Abad Hussain.

Learned counsel further submits that petitioner is in judicial custody for the last about 11 months and 10 days and he is not involved in any other case. It is also submitted that though challan has been presented,

however, the charges have not been framed so far, therefore, it may take a long time in conclusion of trial.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position, however, submitted that recovery is of 05 kgs. of opium. It is further submitted that there are total 18 prosecution witnesses, however, none has been examined so far as charges have not yet been framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last about 11 months and 10 days; he is not involved in any other case; co-accused has already been granted concession of regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

27.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No