

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

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**CRM-M-24014-2021
Date of decision: 02.07.2021**

RAHUL VERMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shehbaz Thind, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.196 dated 07.11.2019 registered under Sections 21 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 at Police Station Division No.3, District Ludhiana.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

Custody certificate has been filed by learned State counsel through e-mail, print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. No recovery was made from the petitioner. Allegedly recovery of 600 capsules of Tramadol Hydrochloride falling in the category of non-commercial quality was made from co-accused Madhu Verma. The petitioner is in custody since 07.11.2019. He is not involved in any other case under the NDPS Act. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. Vide order dated 17.12.2019 of Co-ordinate Bench and 09.01.2020 of this Court co-accused-Ajay Kumar and Abhishek Thapar were granted regular bail in CRM-M-51321 of 2019 and CRM-M-54316-2019 respectively. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the allegations against the petitioner are serious and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, involvement of question as to whether the petitioner can be said to be in conscious possession of the contraband recovered from his co-accused Madhu Verma, non-applicability of rigors of Section 37(1)(b) of the NDPS Act

qua the petitioner, parity with co-accused Ajay Kumar and Abhishek Thapar who have been granted regular bail and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No