

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

CRM-M-26514-2021 (O&M)

Date of decision: 19.07.2021

John Nwonye

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Swati Verma, Advocate for the petitioner.

Mr. H. S. Sitta, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 306 dated 23.12.2018, registered under Sections 21 and 25-A of the NDPS, 1985, at Police Station Samrala, District Ludhiana.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The petitioner has been in custody for the last two years, six months and twenty one days. There is no other case against the petitioner. Moreover, similarly situated co-accused, namely, Acko Vincent has already been granted regular bail, vide order dated 29.06.2021 passed by this Court.

Copy of custody certificate by way of affidavit dated 19.07.2021

of the Deputy Superintendent, Central Jail, Ludhiana, submitted by the learned State counsel through email, is taken on record.

Learned State counsel, while vehemently opposing the prayer for bail submits that the contraband recovered from the petitioner falls under the commercial quantity, therefore, he is not entitled for grant of regular bail. He, however, does not dispute the custody period of the petitioner and there being no other case against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last two years, six months and twenty one days. One co-accused is on regular bail and there is no other case against the petitioner. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the amount of Rs.2,50,000/- (Two lacs and fifty thousand only) to the satisfaction of the learned trial Court/Duty Magistrate and further subject to surrendering of his passport.

(HARNARESH SINGH GILL)
JUDGE

19.07.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No