

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

CRM-M- 22252-2020 (O&M)

Date of Decision: January 07, 2021

Mohd. Rustam

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.

Ms. Rashmi Attri, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 62 dated 18.04.2020, under Sections 15, 61, 85 of NDPS Act, 1985, registered at Police Station City 1 Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR since 22.04.2020. It is further contended that the petitioner has been falsely implicated in the present case and that petitioner is not the owner of the truck from which the alleged recovery of poppy husk has been effected and that nothing is to be recovered from the petitioner herein. Learned counsel further relies upon the judgment rendered by the Co-ordinate Bench in the case of '*Sandeep alias Koka vs. State of Haryana*' in *CRM-M-7885-2020* decided on

05.11.2020 and '**Sukhwinder Singh @ Binder vs. State of Punjab**' in **CRM-M-18312-2020** dated **14.08.2020** while contending that the petitioner is ready to prove his bona-fides and undertake that he will not involve himself in any other case.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that no ground is made out for concession of regular bail.

I have heard learned counsel for the parties.

Since, in view of the restricted working of the Courts due to pandemic COVID-19 situation and in view of the facts that the trial is likely to take time and that the petitioner herein has been in custody since 22.04.2020 and the petitioner is not the owner of the truck from which the alleged contraband recovery has been effected, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on his execution of adequate personal bond and heavy surety amounting to Rs. 5 lacs to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

January 07, 2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No