

CRM-M-28713-2020

Date of decision: 01.04.2021

Rohit

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Prashant Vashisth, Advocate
for the petitioner.Mr. V.G. Jauhar, Senior DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Rohit has come up in this second regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.124 dated 26.11.2019 under Sections 21/29 of the NDPS Act registered at Police Station Special Task Force (STF) Ph-4, SAS Nagar Mohali.

The allegations in brief are that on the basis of secret information that one, Vishal, non-applicant, present petitioner-Rohit and co-accused/non-applicant, Devinder Singh were involved in illicit

trade of selling heroin. It is on the basis of this information on 26.11.2019, the police accosted the accused coming on a scooty in which the petitioner was sitting in the middle and upon search, 835 grams of heroin was got recovered.

Learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars since 26.11.2019 and that in spite of presentation of challan dated 17.05.2020, charges are yet to be framed.

The learned State counsel does not displace the facts but has strongly opposed the grant of bail on the ground of heinousness of the offence and has made statement that there is no other similar case pending against the petitioner.

Admittedly, the petitioner is behind the bars for almost one year and six months. In spite of presentation of challan, charges have not been framed for almost one year. In view of the claim of the petitioner's side that co-accused have been allowed bail and the fact that due to present COVID pandemic, the trial is not likely to be concluded in the near future and thus, the present petition is allowed.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty/Ilalaqa Magistrate/Trial Court.

01.04.2021

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No