

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

Sr. No.221

CRM-M-31798-2020

Date of decision: 27.01.2021

Mewa Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.231 dated 27.12.2018 registered under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 207 of the Motor Vehicles Act, 1988 at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 27.12.2018; the prosecution story that the petitioner was coming on a motorcycle and on being asked to stop by the police party threw the narcotics and fled on his motorcycle is ex facie false and that the petitioner's trial in which 13 prosecution witnesses still remain to be examined is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the period of incarceration of the petitioner; that he is not involved in any other criminal case and the stage of the petitioner's trial but opposes the grant of bail to the petitioner on the ground that he is being prosecuted for having found in illegal possession of 5700 tablets containing Tramadol Hydrochloride.

The genuineness of the story of the prosecution that the petitioner, on being signaled to stop, threw the narcotics and fled on his motorcycle shall be tested during the trial and it shall also be debated therein as to whether in the facts of the above case the recovered narcotics could be considered to be recovery from the petitioner. However, the petitioner has already suffered incarceration for nearly 1½ years; there is no other criminal case in which he is involved and that the petitioner's trial in which 13 prosecution witnesses still remain to be examined is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sangrur, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

January 27, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No