

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

CRM-M No.32845 of 2020 (O&M)
Date of Decision.17.02.2021
(Heard through VC)

Davinder Singh @ Krihana @ Bobby

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Ms. Rashmi Attri, DAG, Punjab.

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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.225 dated 16.09.2019 under Sections 21 & 25 of the NDPS Act registered at Police Station Division No.6, District Ludhiana.

Counsel for the petitioner *inter alia* would contend that the petitioner herein has been falsely implicated in the said matter. It is contended that 70 grams of Diphenoxylate Hydrochloride had been recovered from the petitioner. It is also argued that he has been in custody since 16.09.2019. The trial is not proceeding on account of backlog due to Corona Virus pandemic. It is further argued that in similar matters, bail has been allowed to persons, who were allegedly found to be in possession of the said contraband and relies upon order dated 08.03.2018 passed in CRM-M No.6121 of 2018. In that case, 84.7 grams of the very same intoxicant powder was recovered. It is also submitted that the petitioner herein is not

involved in any other NDPS Act.

Learned counsel appearing for the respondent-State opposes the bail application by submitting that the offence committed is serious in nature, however, she does not controvert the fact that no other case under NDPS Act is pending against the petitioner, based on custody certificate.

I have heard learned counsel for the parties.

Keeping in view the fact that the petitioner is in custody since 16.09.2019 and the similarly situated person has been allowed bail by a Coordinate Bench in CRM-M No.6121 of 2018 decided on 08.03.2018 and the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond 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. In case, the petitioner is found indulging in any similar activity, the respondent-State will be at liberty to move an appropriate application for cancellation of bail granted to the petitioner.

(JAISHREE THAKUR)
JUDGE

February 17, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No