

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : April 20, 2021

1. CRM-M-36853 of 2020

Balwinder Singh @ GolaPetitioner

versus

State of PunjabRespondent

2. CRM-M-3091 of 2021

Varinder Singh alias BindiPetitioner

versus

State of PunjabRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Gurjot Singh Sadhrao, Advocate, for
petitioner-Balwinder Singh @ Gola

Mr. NS Dandiwal, Advocate, for
petitioner-Varinder Singh alias Bindi

Mr. Sukhbeer Singh, AAG, Punjab

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The above two detailed regular bail applications one by Balwinder Singh alias Gola and another one by Varinder Singh alias Bindi having arisen out of one and the same FIR No. 31 dt. 25.2.20,

u/s 22, 25 NDPS, PS Khanna are being taken up together for disposal.

The brief facts brought to the notice of this Court are that the police on 25.2.2020, during search of vehicles apprehended the white coloured car make Breeza and from the search of the vehicle 1000 tablets of Microlit (intoxicating in nature) were recovered from the dash board of the car. Petitioner Balwinder Singh alias Gola is alleged to have been sitting next to the seat of the driver while accused Varinder Singh alias Bindi was sitting on the rear seat.

Learned counsel for the petitioners submit that the petitioners are behind the bars since 25.2.2020 and that the charges are yet to be framed and that in the light of period of incarceration and likelihood of being infected with COVID-19, prayed for grant of bail submitting that the petitioners were not in conscious possession of the contraband.

On behalf of the State, the learned State counsel though does not displace the facts but has strongly opposed the grant of bail on the ground of seriousness of the allegations but on instructions from ASI Sukhdev Singh, fairly concedes that no other similar case is being faced by the petitioners.

Appreciating the submissions, keeping in view the custody of the petitioners and the fact that the charges are yet to be

framed and in view of the present COVID-19 pandemic, there is every likelihood that the trial is likely to be delayed. In view of the similar situation, this Court in the cases of CRM-M-16336-2020 (O&M) decided on 29.7.2020, titled as Sanjay Kumar versus State of Punjab; CRM-M-15530-2020 (O&M) decided on 24.7.2020, titled as Sagar Arora versus State of Punjab; CRM-M-19285-2020 decided on 6.8.2020 titled as Taranjit Singh @ Tarni versus State of Punjab; CRM-M-46318-2019 decided on 17.12.2019 titled as Jagsir Singh @ Seera versus State of Punjab and CRM-M-16824-2020 decided on 30.6.2020, titled as Raj Kumar veruss Narcotic Control Bureau, Chandigarh has allowed bail in similar circumstances and thus, in the light of principle of parity, impels this Court to grant similar relief to the petitioners especially in view of the fact that there is no other similar case is pending against the petitioners. Accordingly, both the petitioners are ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

Both the petitions stand disposed off accordingly.

April 20, 2021
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No