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

CRM-M-36837-2020

Date of decision-25.01.2021

Aalim @ Mohammad Ali**....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.65 dated 07.05.2019 under Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Fatehgarh Sahib, Tehsil and District Fatehgarh Sahib, Punjab. Petitioner is in custody since his arrest on 24.06.2019.

As per the prosecution case, 40 vials containing Avil and 40 intoxicant injections containing Buprenorphine were recovered from the conscious possession of Balwinder Singh @ Babbu.

Learned counsel for the petitioner contends that the alleged contraband was recovered from Balwinder Singh @ Babbu, who was arrested on the spot. It is pointed out that on his disclosure statement, the petitioner was arraigned as an accused subsequently, who is in judicial custody. He submits that co-accused-Balwinder Singh has been released on bail vide order dated 07.09.2020 passed in CRM-M-19607-2020 and prays

that the petitioner be released on bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Baljinder Singh has opposed the prayer, however, this fact is not disputed that alleged contraband was recovered from the co-accused of the petitioner. He submits that out of total 11 prosecution witnesses, only 02 have been examined so far.

After hearing the learned counsel for the parties and considering the custody of the petitioner as well as the fact that the co-accused has already been released on regular bail, this Court finds that the further detention of the petitioner may not serve any useful purpose. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

25.01.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No