

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

(Sr. No. 217)

CRM-M No. 41451 of 2020

Date of decision : 02.09.2021

Amarjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Parvesh Sachdeva, Advocate for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been 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.117 dated 16.08.2020 registered under Section 22 of the the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Sadar Abohar, district Fazilka.

Briefly stated, the petitioner is being prosecuted for having been found in illegal possession of 950 tablets containing Tramadol Hydrochloride/Alprazolam.

Seeking regular bail, learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case; he is in custody since 16.08.2020; he is not involved in any other criminal case; the alleged recovery from the petitioner is in violation of Section 50 of the

NDPS Act as before his personal search the petitioner was not given any option for getting himself searched in the presence of a gazetted officer; the alleged recovery memo has been fabricated by the prosecution as the same does not contain the signatures of either the petitioner or of his co-accused; investigation in the case is complete and that since in the petitioner's trial 20 prosecution witnesses still remain to be examined it would take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found to be in illegal possession of 950 tablets containing Tramadol Hydrochloride/Alprazolam and that if released on bail he may indulge in similar offences.

Whether in the petitioner's case Section 50 of the NDPS Act was violated and that the recovery memo has been fabricated would be debated during the course of his trial. However, the petitioner is in custody since 16.08.2020; he is not involved in any other criminal case; investigation in the case is complete and the petitioner's trial in which 20 prosecution witnesses still remain to be examined is likely to take long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, 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, Fazilka 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.

02.09.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No