

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-41947 of 2020 (O&M)
Date of decision : January 18, 2021

Shyam Kumar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

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

Mr. Jagmohan Ghuman, DAG, Punjab

Fateh Deep Singh, J. (Oral)

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

Petitioner Shyam Kumar who is in custody in case FIR No. 99 dated 23.7.2019 under Sections 21, 61 NDPS Act, 1985 and Section 473 IPC, PS Sadar, Ludhiana has come up in this second bail application under Section 439 Cr.P.C. (the earlier one having been dismissed on 4.8.2020).

The brief allegations are that the police accosted the

petitioner while riding on a motorcycle bearing No. PB-10-DV-1633 and from the search of the dicky of the motorcycle, 54 grams of intoxicant powder was recovered.

Learned counsel for the petitioner contends that the petitioner is behind the bars since more than one year, five months and 25 days and that the petitioner is not facing any other criminal case of similar nature.

Learned State counsel has not displaced the facts but has strongly opposed the bail on the grounds of seriousness of the allegations.

Be so as it may. Keeping in view the period of incarceration of the petitioner and in the light of the present COVID-19 pandemic, there is every likelihood that the trial would be much delayed and as has been the previous stand of this Court in 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 @ Tami 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 and thus, in the light of principle of parity, impels this Court to grant similar relief to the petitioner especially in view of the fact that there is no other similar case is pending against the petitioner. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 18, 2021
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No