

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

207

CRM-M-287-2021

Decided on : 19.02.2021

Amarphal Singh @ Kala Sarpanch

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. L.S. Sidhu, Advocate,
for the petitioner(s).

Mr. Sidakmeet Sandhu, AAG, Punjab
assisted by SI Baldev Singh.

MANJARI NEHRU KAUL, 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. 153, dated 10.09.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') (subsequently added Section 29 of the NDPS Act), registered at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioner contends that the petitioner, who has been in custody since 21st November, 2020, was nominated as an accused only on the basis of alleged disclosure statement made by the co-accused - Pardeep Kumar, from whom the alleged recovery of 820 tablets of Cloridol, 90 capsules of Regatic and 340 tablets of Etizolam, was effected. He further contends that no recovery, whatsoever, was effected from the petitioner, which lends credence to his false implication. Learned counsel further submits that the petitioner is not involved in any other criminal case, much less, under the NDPS Act.

Per contra, learned State counsel has opposed the prayer and

submissions made by learned counsel for the petitioner. She has, however, not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner. She has further submitted that the challan was presented on 09th February, 2021 and the delay has been on account of the outbreak of pandemic COVID-19.

Heard.

The petitioner has admittedly been nominated as an accused on the basis of alleged disclosure statement made by co-accused – Pardeep Kumar, the evidentiary value of which is of weak nature.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 19, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*