

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

CRM-M- 44838-2019 (O&M)

Date of Decision: January 07, 2021

Jaspal Singh alias Nikka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Rashmi Attri, DAG, Punjab.

JAISHREE THAKUR, 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. 38 dated 28.06.2019, under Section 21 of NDPS Act, 1985, registered at Police Station Sarai Amant Khan, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR since 28.06.2019. It is further contended that the challan was presented as far back as 02.12.2020 and subsequently the matter has been adjourned on several occasions and that the quantity of recovery made from the petitioner is marginally more than the commercial quantity and that the co-accused has already been allowed

bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that no ground is made out for concession of regular bail.

I have heard learned counsel for the parties.

Since, in view of the restricted working of the Courts due to pandemic COVID-19 situation and in view of the facts that the trial is likely to take time and that the petitioner herein has been in custody since 28.06.2019 and the contraband recovered is marginally above the commercial quantity, coupled with the fact that the co-accused has already been allowed bail, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on bail on his execution of adequate personal and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

January 07, 2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No