

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

Sr. No.218

CRM-M-48280-2019

Date of decision: 20.04.2021

Tarlochan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.S. Dhaliwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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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.14 dated 03.02.2017 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Khamano, District Fatehgarh Sahib.

The petitioner is being prosecuted for having been found in illegal possession of 270 kgs of poppy husk.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 03.02.2017; there is no other criminal case pending against him under the NDPS Act and that the petitioner's trial in which 12 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 270 kgs of poppy husk; he is involved in two FIRs under the Prisons Act, 1894 and that if he is released on bail he may indulge in similar offences.

The petitioner is in custody for the last over 04 years and 02 months and his trial in which 12 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, 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, Fatehgarh Sahib, 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.

April 20, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No