

219

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

CRM-M No.39898 of 2021 (O&M)

Date of decision: 21.03.2022

Saurabh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Rampal, Advocate
and Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.59 dated 12.07.2021, for offence punishable under Section 18 of the NDPS Act, registered at Police Station GRP Ludhiana, District Ludhiana.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Gurnam Singh, while on petrol duty at the Railway Station, a clean shaven person was seen coming carrying a backpack and on seeing the police party, he became nervous and was apprehended by the police on the basis of suspicion and thereafter, disclosed his name as Saurabh Kumar. Thereafter, a message was sent to the Police Station and the Deputy Superintendent of Police was called at the spot and in his presence, 01 Kg of Opium from one polythene envelope was recovered.

Counsel for the petitioner has further submitted that the recovery is of non-commercial quantity and the petitioner is in custody for the last about 08 months and challan stands presented and charges have been framed on 28.09.2021, however, till date, no PW has been examined as the trial was delayed due to COVID-19 situation.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 08 months; challan stands presented; no PW has been examined so far; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

21.03.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No