

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

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IN VIRTUAL COURT

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**CRM-M No. 40347 of 2020
Date of decision : 13.1.2022**

Harsh Khan

.....Petitioner

Vs.

State of Punjab

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Jaspreet Kaur, Advocate, for the petitioner

Mr. Pawan Sharda, DAG, Punjab

Rajbir Sehrawat, J. (Oral)

This second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.37 dated 5.3.2020, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Kharar, District SAS Nagar.

Pursuant to the previous order of this Court, the counsel for the State has filed affidavit of Gurcharan Singh, DSP, SAS Nagar, stating therein that the Investigating Officer of the case was found to be negligent and because of him the default bail was granted to Balbir Singh, who was the main accused in this case of recovery of commercial quantity of contraband. Now the punishment of forfeiture of service of one year for promotion on permanent basis have been inflicted upon the Investigating Officer.

Learned counsel for the petitioner has pointed out that after the petitioner was earlier denied bail by this Court, the other co-accused has also been granted bail keeping in view the custody period, as well as, the fact of

prevalence of COVID-19 pandemic, which is likely to delay the trial. Learned counsel has submitted that the petitioner has undergone more period of custody than the said co-accused has undergone. Hence, it is submitted that the petitioner also deserves to be granted bail.

In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

13.1.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No