

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

CRM-M-749-2020 (O&M)

Date of Decision: August 05, 2020

AMANDEEP SINGH Petitioner(s)

Versus

STATE OF PUNJAB Respondent(s)

AND

CRM-M-53335-2019 (O&M)

BALWINDER SINGH Petitioner(s)

Versus

STATE OF PUNJAB Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok Giri, Advocate
for the petitioner in CRM-M-749-2020.

Mr. S.S. Gill, Advocate
for the petitioner in CRM-M-53335-2019.

Mr. Dhruv Dayal, Sr. DAG., Punjab.

LISA GILL, J.

These matters are being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This order shall dispose of CRM-M-749-2020 (Amandeep Singh Vs. State of Punjab) as well as CRM-M-53335-2019 (Balwinder

Singh Vs. State of Punjab) as both the above noted cases arise out of FIR No. 145 dated 28.07.2019, under Section 18 of the NDPS Act, Police Station Samana, District Patiala.

The petitioners in both the cases seek concession of bail pending trial in the above mentioned FIR.

As per the prosecution version, the petitioners were apprehended on the basis of secret information on 28.07.2019 when they were proceeding on their Verna car near village Dhanetha. 2 kilogram 700 grams of opium was recovered from the back seat of their car.

Learned counsel for the petitioners argue that the petitioners are not involved in any other criminal case and were falsely implicated in this matter. There is a discrepancy regarding the quantity of alleged contraband recovered. The said contraband was weighed along with packing material, therefore, possibility of the contraband weighing less than the commercial quantity (2 kilograms 500 grams) cannot be ruled out. It is reiterated that petitioners are not involved in any other criminal case and are in custody for over one year in this matter. It is thus prayed that both these petitions be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State submits that the contraband recovered is of commercial quantity, however, it is verified on instructions from Sub-Inspector Swaran Singh that the petitioners are not involved in any other criminal case and they have been in custody since they were apprehended on 28.07.2019. Final report under Section 173 Cr.P.C. has been filed. Charge against the petitioners stand framed, however, no prosecution witness has been

examined till date. The actual quantity of contraband recovered, may be debatable in the facts and circumstance of the case, the alleged recovery being marginally over 2Kg 500gms.

Due to outbreak of the pandemic COVID-19, much progress is not being made towards conclusion of the trial. Trial in this case is not likely to conclude in the near future. It is verified that the petitioners are not involved in any other criminal case and they are in custody since 28.07.2019. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, both these petitions are allowed. The petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

August 05, 2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No