

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

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CRM-M-1365-2019

Date of decision : 02.07.2020.

Jagdev Singh alias Jagga

... Petitioner

Versus

State of Punjab.

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.110 dated 04.06.2018 under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on), registered at Police Station City Moga, district Moga.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 800 grams of Alprazolam was allegedly recovered from a PWD Guest House on the disclosure statement of the petitioner. He further submits that the petitioner has been falsely implicated in this case as well as in other cases. FIR No.10 of 2014 was registered against the petitioner in Police Station City (South), Moga under Sections 307, 336, 148, 149 IPC wherein proceedings were quashed and FIR No.120 of 2018 was registered under 22 of the NDPS Act at Police Station City (South), Moga wherein the petitioner was arraigned as an accused on the statement of co-accused that he had purchased 250 grams of intoxicant powder from the petitioner but the powder was recovered from co-accused and no recovery was effected from the petitioner in that case. He also contends that the petitioner was also involved in FIR No.66 of 2019 at Police Station City (South), Moga under Sections 307/34 IPC and Sections 25/27 of the Arms Act which was registered when the petitioner was in custody in the instant case. He also contends that in the instant case, the alleged recovery which has been effected on the basis of statement of the petitioner is in the

presence of a witness, namely, Parkash, who is a stock witness of the police in 25 cases under the NDPS Act registered at Police Station City (South), Moga. He also contends that the petitioner is in custody for over two years.

Learned State counsel, upon instructions from ASI Ashok Kumar, contends that the petitioner is in custody for 02 years and 02 days since his arrest on 28.06.2018. He further contends that 06 out of 17 prosecution witnesses have been examined. He also contends that the petitioner does not deserve the concession of regular bail as he is involved in other cases. An affidavit of the Deputy Superintendent of Police (C), Moga has been filed wherein it is stated that aforementioned witness, namely, Parkash is a witness in 25 cases under the NDPS Act registered at Police Station City (South), Moga. It has also been stated therein that FIR No.10 of 2014 registered against the petitioner has been quashed.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over two years; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

July 02, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No