

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1003-2020 (O&M)
Date of decision-06.08.2020

Ravisher Singh @ Ravi

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Dhaliwal, Advocate for
Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.02 dated 15.01.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kacha Pacca, District Tarn Taran. The petitioner was arrested in the present FIR on 15.01.2019.

As per the prosecution case, on 15.01.2019, when the Police party was on patrol duty, the petitioner was apprehended and upon his search 490 intoxicant capsules were recovered.

Learned counsel for the petitioner contends that the concession of regular interim bail was extended to him on 16.02.2019 as FSL report was

awaited, and he remained on interim bail for a period of approximately ten months and surrendered on 03.12.2019 upon filing of the FSL report. Learned counsel contends that the said concession was never misused and except for the present case, the petitioner is not involved in any other similar case. He submits that the trial is likely to consume considerable time as no prosecution witness has been examined so far, whereas the charges were framed on 21.12.2019. He has prayed for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Kulwant Singh has opposed the prayer on the ground that the contraband recovered from the petitioner falls in commercial quantity. The custody certificate dated 06.08.2020 by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Jail, Amritsar has been filed, which indicates that the petitioner actually remained on regular interim bail w.e.f. 19.02.2019 till 02.12.2019. Learned State counsel has pointed out that the petitioner is involved in another case for the offences under Indian Penal Code, but he is on bail in the said case.

Considering the above background, custody and conduct of the petitioner as he never misused the concession of interim bail, this Court does not find any reason to decline the prayer, particularly when the trial is not progressing and is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19. The petitioner after his arrest on 03.12.2019 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

06.08.2020

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(MANOJ BAJAJ)
JUDGE

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