

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3613-2020

DATE OF DECISION: JULY 24, 2020

GURCHARAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. SANDHU, ADVOCATE FOR THE PETITIONER.
MR. HARMANDEEP SINGH SULLAR, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Gurcharan Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.45 dated 6.3.2019 under Section 22 of NDPS Act, Police Station City Talwandi Sabo, district Bathinda, The petitioner is in custody since his arrest on 6.3.2019.

It has been alleged in the FIR that when a police party headed by SI Balwinder Singh was on patrol duty towards Behman Kaur Singh, there at about 12.15 p.m., two persons were seen coming from village Singpura carrying something in transparent polythene bags. On seeing the police party, they changed their course and started moving towards the vacant plot. Both of them were apprehended. The first person revealed his name as Gurcharan Singh son of Gurdev Singh resident of Behman Kaur Singh Wala and second person disclosed his identity as Mahinder Singh son of Chand Singh resident of Singo. The polythene bag carried by Gurcharan Singh was checked and 55 strips having 10 Tablets each of Tredol-100,

totalling 550 intoxicating tablets, were recovered,. Thereafter search of Mahinder Singh was conducted and 20 strips having 10 tablets each of Tredol-100, totalling 200 tablets, were recovered from him. Both the persons failed to show any licence for possessing such intoxicating tablets. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that as per prosecution, 550 intoxicating tablets were recovered from the possession of the petitioner and therefore, he was arrested, but after completion of the investigation, the final report has already been filed on 12.6.2019. He submits that after framing of the charges on 26.8.2019, no prosecution witness has been examined till date. According to him, the petitioner is a handicapped person and therefore, further custody of the petitioner may not be necessary who is not involved in any other similar case. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel assisted by ASI Gurmej Singh does not dispute this fact that the petitioner is a handicapped person and is facing prosecution only in the present FIR. He submits that the recovered contraband falls within the ambit of commercial quantity and therefore, he does not deserve the concession of regular bail. He submits that the previous application filed by the petitioner, i.e. CRM-M-41935-2019 was dismissed on 21.11.2019. However, it is not disputed by learned State counsel that the prosecution has not examined any witness out of total twelve witnesses.

After hearing the learned counsel for the parties this Court is of

the opinion that the investigation of the case is complete, but trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose. 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 concerned.

The petition is allowed.

July 24, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No