

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-4694 of 2020

Date of Decision: November 17, 2020

Jodhbir Singh @ Jodha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Balbir Kumar Saini, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab

MANOJ BAJAJ, J. (Oral)

CRM-24756-2020

Application is allowed. Annexure P-4 is taken on record.

CRM-M-4694-2020

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.53 dated 08.08.2019, under Section 22 and Section 29 N.D.P.S.Act, 1985 (added later on), registered at Police Station, Mattewal, Police District Amritsar Rural. The petitioner is in custody since his arrest on 08.08.2019.

As per the allegations in the FIR, on 08.08.2019, the police party was present at Chowk Sra Bulara for patrolling and search of bad elements. One young man without turban was seen coming by foot, who on seeing the police party, started moving backwards. On suspicion, he was apprehended and from the bag which he was holding, 720 intoxicating tablets were recovered.

Learned counsel for the petitioner contends that the petitioner is in custody since 08.08.2019 and the charges are yet to be framed. He

submits that the trial is likely to consume considerable time, particularly in the prevailing condition as there is outbreak of pandemic COVID-19 in the region and, therefore, the further custody of the petitioner may not be justified. He prays for grant of bail, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel on the ground that the recovered contraband would fall within the category of commercial quantity. He, on instructions, submits that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 08.08.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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

November 17, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No