

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-5321 of 2020 (O&
Date of Decision: November 03, 2020

Sukhwinder Singh @ Bobby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kanwaljeet Singh, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.172 dated 06.08.2019, under Sections 22 and 25 N.D.P.S.Act, 1985, registered at Police Station, Sadar Jagraon, District Ludhiana. The petitioner is in custody since his arrest on 06.08.2019.

As per the allegations in the FIR, on 06.08.2019 at about 4.30 p.m., special informer gave information that one Sukhwinder Singh @ Bobby being involved in selling intoxicant tablets after getting the same from outside, would be coming on his Platina motor cycle bearing No.PB-56-C-0259 from City Jagraon to Village Haans and if a barricade is laid on canal bridge, he can be apprehended at the spot with heavy quantity of intoxicant tablets. On the basis of this information, the petitioner was

arrested and 850 tablets of Clovidol-100 SR were recovered from him.

Learned counsel for the petitioner contends that earlier petitioner was released on interim regular bail as the FSL report was awaited and upon filing of the FSL report, the petitioner surrendered. It is pointed out that the said concession was never misused by the petitioner and, therefore, he deserves the concession of regular bail as the trial is progressing slowly.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by SI Ramanpreet Singh on the ground that the contraband falls in commercial quantity. He has filed the custody certificate of the petitioner by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Jail, Ludhiana, which indicates that the concession of interim regular bail was granted to the petitioner w.e.f. 18.09.2019 to 16.12.2019. As per this certificate, the petitioner is not involved in any other case much less of the similar nature. He, on instructions, from SI Ramanpreet Singh, states that two prosecution witnesses have been examined so far out of total thirteen witnesses.

After hearing the learned counsel for the parties, it is clear that the trial is progressing slowly. 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 06.08.2019 and his further detention may not be necessary for any useful purpose.

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,
Ludhiana.

November 03, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No