

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

Criminal Misc.-M No.6159 of 2020 (O&M)
Date of Decision: July 06 , 2020

Bittu Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Bhinder, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, 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.40 dated 28.03.2019, under Section 22/61/85 NDPS Act, registered at Police Station Sadar Bathinda. The petitioner is in custody since his arrest on 28.03.2019.

According to the prosecution, the FIR was registered on the ground that the petitioner along with his co-accused, namely, Rajpal Singh were separately carrying 2500 tablets Clovidol 100-SR each without any permit. They were arrested on the spot by the police.

Learned counsel for the petitioner contends that as per prosecution, the petitioner was a pillion rider on the motor cycle bearing registration No.HR24C-8842, driven by his co-accused and the polythene bags carrying the alleged contraband held by them separately were visible.

He submits that there was no reason for the accused to display the tablets openly. It is pointed out that the petitioner is not involved in any other case, much less of the similar nature, and as the investigation of the case is complete, therefore, his further custody may not be required. He has contended that the motor cycle is not owned by the petitioner. He prays for grant of regular bail during the pendency of the petition.

On the other hand, learned State counsel, who is assisted by ASI Sukhpal Singh, has opposed the prayer on the ground that the petitioner was carrying 2500 tablets of Clovidol 100-SR in his hand and, therefore, was rightly arrested by the police. He submits that the charges were framed in this case by the trial Court on 23.10.2019 and only one witness has been examined so far by the prosecution out of the total 15 witnesses. It is pointed out that the motor cycle in question was driven by his co-accused and the number plate was found to be fake and, therefore, offence punishable under Section 473 IPC was also added.

After hearing the learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial 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. The petitioner after his arrest on 28.03.2019 is presently confined in judicial custody, therefore, 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, Bathinda.

The petition is allowed.

July 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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