

Sr. No.209

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

**CRM-M-7615 of 2020 (O&M)
DATE OF DECISION : 07.09.2020**

Gurdit Singh @ Geetu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Saurabh Khurana, DAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 88 dated 25.06.2019, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Kartarpur, District Jalandhar.

2. Per FIR, on 25.06.2019, a police party while on patrolling noticed a truck bearing registration No. HP38F-2852, parked near an under construction building. Two persons were unloading bags from the truck. The said persons were nabbed at the spot and they disclosed their names as Sandeep Kumar @ Deepu and Bhajan Lal. On checking of truck, in the presence of Gazetted Officer, 20 bags containing 400 Kgs of poppy husk were recovered. An FIR was registered. During interrogation, Sandeep Kumar @ Deepu and Bhajan Lal disclosed that they brought poppy husk from Jammu & Kashmir on the asking of present petitioner and got

Rs.25000/- for that. It is the case of prosecution that present petitioner was arrested in this case on 26.11.2019 and he in turn disclosed about involvement of Kamaljit Singh @ Bagga and Parmatama Singh @ Bholu.

3. Learned counsel submits that based on the same very set of allegations, co-accused Kamaljit Singh and Parmatama Singh were granted the benefit of interim anticipatory bail by virtue of orders passed in CRM-M-4035 of 2020 and CRM-M-6277 of 2020, respectively, which were later made absolute. According to him, on the analogous principle, the petitioner is entitled to bail, as he is on better footing since he has already undergone incarceration of about ten months. He further submits that other than disclosure statement of the co-accused made in the custody, there is no other role attributed to the petitioner. According to him, nothing was recovered from him. Neither the petitioner is owner of the truck nor he is otherwise named in the FIR. He further submits that investigation is over, challan has been filed, but there is no headway in the trial and especially, in the pandemic scenario, there is no likelihood of trial concluding in near future.

4. On the other hand, learned State counsel opposes the bail plea. He submits that petitioner is involved in one more case of similar nature. On a query of the Court, he admits that co-accused Kamaljit Singh and Parmatama Singh have been granted the benefit of anticipatory bail. He further admits that investigation is over and presently there is no headway in the trial.

5. There is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic, as a result of which Courts are working with restrictions and taking up only urgent matters. The submissions of learned counsel for the petitioner are to be adjudicated at the

trial. At this stage, on the ground of parity alone, the petitioner is entitled to be released on bail.

6. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and local surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

September 07,2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No