

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9217-2020 (O&M)

DATE OF DECISION: AUGUST 17, 2020

INDERJIT SINGH

...PETITIONER

VERSUS

UNION OF INDIA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHOK GIRI, ADVOCATE
FOR THE PETITIONER.

MS. SHARMILA SHARMA, STANDING COUNSEL
FOR THE RESPONDENT-UNION OF INDIA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Inderjit Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR/NCB Crime No.45/2018 dated 2.12.2018 under Section 8, 21, 25, 29 and 60 of Act No.61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station NCB, Chandigarh. The petitioner is in custody since his arrest on 3.12.2018.

As per the allegations in the FIR, the Narcotics Bureau, Chandigarh received a secret information that an Innova Car bearing registration No.CH04-K-3895, Silver Colour which was being driven by Inderjit Singh is coming to Zirakpur with a consignment of Heroin and if a nakabandi is laid at Dappar Toll Plaza, then the contraband could be recovered. The Narcotics Bureau acted upon the said information and got recovered 415 gms. of Heroin from the said Innova car being driven by

Inderjit Singh, whereas one lady was also found sitting on the rear seat. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that admittedly, the petitioner is suffering from various ailments and is getting treatment from the hospital. It is pointed out that though the quantity of the contraband recovered from the petitioner falls in commercial category but except for the present case, the petitioner is not involved in any other case of the similar nature. According to him, the investigation of the case is complete but the prosecution has not examined even a single witness till date and therefore, the petitioner deserves the concession of regular bail.

On the other hand, Ms. Sharmila Sharma, assisted by Intelligence Officer Ajit Singh has opposed the prayer on the ground that 415 gms. of heroin was recovered from the possession of the petitioner which brings the quantity under the commercial category. She has further pointed out that previously the application filed by the petitioner for grant of bail, including the medical ground was also declined and therefore, there is no change in circumstances for entertaining this petition. During the course of hearing, it is not disputed by Ms. Sharmila Sharma that till date no prosecution witness has been examined out of total 19 witnesses and the charges were framed on 4.1.2020.

Considering the above background, the custody of the petitioner and his poor health, this Court is not inclined to decline the prayer for grant of regular bail of the petitioner particularly, when the trial of the case is also 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.

August 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No