

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9587-2020

DATE OF DECISION: DECEMBER 7, 2020

SHER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. SHAVETA SANGHI, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

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.191 dated 27.8.2019, under Section 22 NDPS Act, Police Station Sirsa, District Sirsa. The petitioner is in custody since his arrest on 27.8.2019.

As per the FIR, on 27.08.2019, when the police party headed by ASI Jagmit Singh was present for patrolling duty at T-point, Dera Bhuman Shah in the area of village Mangala, a young boy was seen coming on a motorcycle from the side of village Titukhera, who on noticing the police party ahead tried to turn back his motorcycle. However, in that process, he fell down along with motorcycle and was apprehended by police party. On inquiry, he disclosed his name as Sher Singh. A search of the polybag carried by the accused was conducted, and 780 capsules of Tramadol, marka PARVORIN-SPAS, Ridley were recovered from it. On asking, he disclosed that he had purchased said capsules from Pala at Hanumangarh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She has submitted that the investigation of the case is complete and the charges have also been framed, however, no prosecution witness has been examined so far. According to her, the petitioner is not involved in any other case, therefore, his further custody may not be necessary. She submits that the trial of the case is likely to consume considerable time. She prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Rajbir Singh has opposed the aforesaid prayer on the ground that the petitioner was arrested at the spot. However, it is not disputed by him that the petitioner is not involved in any other case and no prosecution witness has been examined as yet.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer, particularly, when investigation of the case is complete and the trial is likely to take considerable time to conclude 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 since 27.8.2019 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.

December 7, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

On the other hand, learned State counsel on instructions from ASI Rajbir Singh has opposed the bail application on the ground that quantity recovered from the petitioner falls within the ambit of commercial quantity, therefore, the petitioner does not deserve the concession of regular bail.