

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-12864 of 2020
Date of Decision: October 07, 2020

Amandeep Singh @ Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Mr. N.K.Banka, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of interim regular bail, pending trial in case FIR No.32 dated 28.02.2019, under Sections 21 and 25 N.D.S.P.S. Act, 1985, registered at Police Station, Canal Colony, Bathinda, District Bathinda. The petitioner is in custody since his arrest on 28.02.2019.

As per the allegations in the FIR, on 28.02.2019, the police party was going from CIA Staff-II Bathinda for patrolling and checking of suspicious vehicles and when they reached on Dabwali road near agriculture farm, Harbans Nagar and it was around 7.30 p.m., they saw a car standing on the right side of the wall of the farm. The car was surrounded with the help of the officials and on checking, two young men were found seeing the object in the pouch, held in their hands. On enquiry, the person sitting on the driver seat disclosed his name as Amandeep Singh @ Amana Brar and the person sitting on the front conductor seat, told his name as Harwinder

Singh @ Bittu. The recovered heroin was weighed along with the pouch and the same came to be 270 grams. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the co-accused, namely, Harwinder Singh @ Bittu has been released on regular bail vide order dated 02.09.2020. According to him, the petitioner also deserves the concession of regular bail as the trial is not making any headway. It is pointed out by him that the petitioner is not keeping good health and the petition was filed for grant of interim regular bail, but he prays that as the co-accused has been extended the concession of regular bail, therefore, the petitioner be granted the same concession as the filing of a separate petition would be only a formality.

Learned State counsel does not oppose the prayer made by the learned counsel for treating the present petition for grant of regular bail. However, on merits, learned State counsel, assisted by ASI Akshay Kumar, has opposed the prayer on the ground that the petitioner is involved in another case, i.e., FIR No.20 dated 13.03.2016, under Section 18 N.D.P.S.Act, 1985 and Section 61 Punjab Excise Act, 1914, Police Station, Smalsar, District Moga, though he has been granted the concession of regular bail in the said case. It is also not disputed by him that only three witnesses have been examined out of total fifteen prosecution witnesses so far and the co-accused of the petitioner has been released on bail.

At this stage, learned counsel for the petitioner contends that in another case, i.e., FIR No.20 dated 13.03.2016, the petitioner was neither present on the spot nor was arrested and was indicted subsequently.

According to him, the trial in the present case is likely to consume

considerable time, therefore, the prayer for bail deserves to be accepted.

After hearing the learned counsel for the parties, this Court finds that after completion of the investigation of the case, the trial has commenced, but it is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The background of the case further reveals that the case of the petitioner is almost similar to the co-accused, who has been released on regular bail. The petitioner is presently confined in judicial custody since 28.02.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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, Bathinda.

October 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No