

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.12919 of 2020 (O&M)
Decided on: 31.07.2020

Vicky Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. L.S. Sekhon, Advocate
for the petitioner (through video conferencing)

Mr. Joginder Pal Ratra, DAG, Punjab.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.165 dated 26.08.2019, for offence punishable under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station City Sunam, District Sangrur.

The earlier petition was disposed of by this Court while granting interim bail to the present petitioner in terms of the judgment ***“Inderjeet Singh @ Laddi and others vs State of Punjab”***, 2014(3) RCR (Criminal) 953, and thereafter, the petitioner surrendered back after the FSL report has been received by the trial Court.

Counsel for the petitioner has argued that the petitioner – Vicky Singh son of late Pala Singh is the first offender and is not involved in any other case. It is further submitted that as per the allegations in the FIR, which was registered on the basis of the secret

information that Vicky Singh son of Bhura Singh and Dara Singh son of Billu Singh are habitual of selling narcotics and the petitioner – Vicky Singh son of late Pala Singh is a supplier. Thereafter, the police apprehended the co-accused Vicky son of Bhura Singh and Dara Singh son of Billu Singh and recovered 1100 tablets of Clovidol. It is further submitted that the petitioner was subsequently arrested and 340 tablets of Clovidol were recovered which do not fall in the commercial quantity.

Counsel for the petitioner has also argued that the petitioner, while on interim bail, has not misused the concession of bail and he has surrendered back in time. It is further submitted that while effecting the recovery from the petitioner, the proper procedure was not followed and it is a matter of trial to be decided whether the recovery was effected from the petitioner, in a proper manner or not.

Counsel for the petitioner has further argued that prior to grant of interim bail, the petitioner remained in custody from 26.08.2019 to 25.11.2019 and thereafter, he surrendered on 13.03.2020 and as such, as on today, he has undergone more than 07 months of total custody.

Counsel for the State on the basis of the Custody Certificate filed in the Court today, has not disputed the fact that the petitioner is not involved in any other case and submits that challan stands presented before the trial Court, however, no prosecution witness was examined so far.

After hearing the counsel for the parties, considering the present situation due to COVID-19 pandemic and also in view of the

fact that the petitioner is the first offender; challan stands presented; the petitioner is no more required for any further investigation and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his/her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he/she is found involved in any other case or misusing the concession of bail, in any manner.

31.07.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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