

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219)

CRM-M-13486 of 2020

Date of Decision: 16.07.2020

Gurbachan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Parminder Singh Sekhon, Advocate, for the petitioner.
Mr. Harbir Singh Sidhu, AAG, Punjab.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of bail upon FIR no.19, dated 08.02.2020, having been registered against him, alleging therein the commission of offences punishable under Section 22 of the NDPS Act, 1985, at Police Station Moonak, District Sangrur.

Pursuant to the orders passed on various dates, an affidavit of the SSP, Sangrur, has been filed, to which a counter has also been filed by the learned counsel for the petitioner, from which he points to certain aspects, to the effect that even the second investigating officer would be seen to be present at the same spot along with the first investigating officer and consequently the story given, of the petitioner being arrested at a later time, is a wholly concocted story. He further submits that the petitioner is in custody for more than 5 months and there is no other criminal case

registered against him.

Learned State counsel on the other hand submits that the distance of the place of arrest of the petitioner, from the police station concerned, is only 2.5 k.m. whereas each mobile tower serves an area of approximately 3 k.m., and consequently even the second investigating officer may have been present in the police station, with naturally his tower location seen to be at the same tower. He therefore, opposes the petition as regards granting of bail to him; however, the factual position with regard to there being no other criminal case registered against the petitioner and he having been in custody for more than 5 months, with the trial still to virtually commence as no prosecution witness has been examined so far, is admitted by him.

In view of the above, without making any comment on the merits of the case, for or against the petitioner, this petition is allowed.

Consequently, the petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

16.07.2020
Vcgarg/

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No