

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-14348 of 2020

Date of Decision: 17.08.2020

Harmanjit Singh @ Harman

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

& Criminal Misc. No.M-47027 of 2019

Rajwinder Singh @ Raj

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. B.S. Jatana, Advocate and
Mr. Rahul Rampal, Advocate
for the petitioner(s).

Mr. V.G. Jauhar, Sr. DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This order shall dispose of two petitions i.e. CRM-M-14348-2020 and CRM-M-47027-2019, as the petitioners in both the petitions are co-accused in common FIR and similar prayer has been made in both the

petitions. However, for brevity, the order is being passed in CRM-M-14348-2020.

The petitioners have filed the present petitions under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.71 dated 13.06.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station City-2, Mansa, District Mansa.

As per the FIR, the petitioners were holding a black coloured bag in their hands, from where recovery of 50 vials of Winicirex Cough Syrup and 400 tablets of Carisoma was made.

Learned counsel for the petitioners have argued that the alleged recovery has been made from two different persons, but the FIR is silent about the fact as to how both the petitioners were holding the bag, from where the contraband was recovered. There is no other case pending against the petitioners, but they are in custody since 13.06.2019.

Learned State counsel has filed the custody certificates of the petitioners through email and does not dispute the custody of the petitioners and the recovery of 50 vials of Winicirex Cough Syrup and 400 tablets of Carisoma from them as well as the fact that there is no other case pending against them under the NDPS Act.

I have heard learned counsel for the parties.

The petitioners are in custody since 13.06.2019 and there is no other case pending against them. In absence of any specific allegation in the FIR as to which of the petitioners was holding the strip of the bag and

considering the fact that trial in the case will take sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

August 17, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No