

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14656-2020

DATE OF DECISION: JUNE 25, 2020

AMANDEEP SINGH @ MANDER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. SANDHU, ADVOCATE FOR THE PETITIONER.
MR. DHARUV DAYAL, SR.DAG, PUNJAB

MANOJ BAJAJ, J.(ORAL)

Petitioner Amandeep Singh @ Mander has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.227 dated 8.11.2019, under Section 22, 29 of NDPS Act, 1985, Police Station Kotwali District Bathinda. The petitioner is in custody since his arrest on 14.3.2020.

The FIR was registered on the statement of HC Kaka Singh wherein he stated that on 8.11.2019, he alongwith other police officials was patrolling in a Government vehicle for checking of suspicious persons and were going from Dana Mandi, Bathinda near Ram Bagh to Patiala Crossing (phatak). While they were turning from Dana Mandi towards Patiala crossing, two young boys were seen coming on an un-numbered scooter carrying a red colour bag in between them. On seeing the police party, those boys got frightened and while turning their vehicle, it slipped and they fell on the ground. They were nabbed and on enquiry, they disclosed their names as Honey Singh S/o Jaspal Singh and Mohd. Irfan

Khan S/o Alam Khan, both residents of Bathinda. Having been suspected of carrying some intoxicant in the bag, the same was checked and in total 105 vials of Wincirex were recovered from the same. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the alleged contraband of 105 vials of Wincirex was recovered from two accused, namely, Honey Singh and Mohd. Irfan Khan, who were arrested from the spot by the police. It is pointed out that the petitioner was indicted on the basis of the disclosure statement suffered by co-accused. He submits that the nature of evidence collected by the police qua the petitioner is based on weak foundation as there is nothing to connect the petitioner with the alleged contraband recovered by the police. According to him, the investigation of the case is complete and the final report stands filed on 14.5.2020.

On the other hand, learned counsel for the State assisted by SI Gurmeet Singh while opposing the prayer for bail does not dispute this fact that the petitioner was introduced as accused through DDR No.26 dated 10.11.2019 on the statement of the co-accused. He further submits that the petitioner is not involved in any other case much less of the similar nature.

Considering the above background and the custody of the petitioner, this Court is of the opinion that as the trial is likely to consume considerable time, 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. Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

June 25, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No