

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-15463-2019

Date of Decision: September 28, 2020

Jatinder Singh @ Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sidakmeet Sandhu, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.6 dated 02.02.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Smalsar, District Moga. The petitioner is in custody since his arrest on 02.02.2019.

As per the allegations in the FIR, on 02.02.2019, the police party apprehended Jatinder Singh @ Bhola son of Sukhdev Singh on suspicion and on search of black polythene bag held by him, 800 tablets of CAVILODOL-100 SR were recovered and the same were taken into police possession. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the charges against the petitioner were framed on 03.08.2019 and no witness has been examined so far by the prosecution. He submits that as the trial is not making any progress, the further custody of the petitioner may not be

justified and prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Balwinder Singh, does not dispute this fact that no prosecution witness has been examined till date. He further, on instructions, states that the petitioner is not involved in any other case. However, the prayer is opposed on the ground that the recovery of 800 tablets of CAVILODOL brings the case within the ambit of commercial quantity.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 02.02.2019, is presently confined in judicial custody, therefore, his further detention behind the bars 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, Moga.

The petition is allowed.

September 28, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No