

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16590-2020

Date of decision-07.07.2020

Sanjay @ Laddu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Sanjay @ Laddu has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.11 dated 24.02.2019 registered under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Balachaur, District SBS Nagar. The petitioner is in custody since his arrest on 21.09.2019.

As per the prosecution case, on 24.02.2019, when the Police party was going towards Bhaddi on patrol duty from Balachaur, one truck (Tata-407) bearing No.PB-11-CQ-0286 was seen parked near T-point Raju Majra and no one was present in the said truck. When the search was conducted, 24 polythene bags containing 5 quintal, 33 kilo and 300 grams of poppy husk were recovered from the said vehicle.

Learned counsel for the petitioner contends that the alleged

vehicle from which the recovery of contraband was effected belonged to co-accused, namely, Hari Om, whereas the other co-accused, namely, Devender Kumar was the driver. It is pointed out that the petitioner was indicted on the basis of disclosure statement given by the co-accused-Hari Om. According to him, the other co-accused who were made accused in this manner only, are on regular bail. It is further pointed out that the father of the petitioner, namely, Pirthi Lal who was co-accused along with petitioner died on 05.07.2020. He has prayed that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Jaswinder Singh opposed the prayer on the ground that the contraband in fact belong to the petitioner who had hired the vehicle owned by co-accused Hari Om. It is pointed out by him that this fact was revealed by the owner of the vehicle. However, it is not disputed by learned State counsel that the other co-accused have been granted regular bail by this Court. He further submits that pursuant to the disclosure statement suffered by the petitioner, 20 k.g of poppy husk was recovered from the brick kiln. He submits that the investigation of the case is complete and the final report stands filed on 30.12.2019, however, no witness has been examined out of the total 29 witnesses.

At this stage, Mr. Gupta has contended that the alleged brick kiln belongs to the third party and the recovery of 20 kg. of poppy husk otherwise would fall within the ambit of non-commercial category.

After hearing learned counsel for the parties, this Court does not

find any reason to decline the prayer of the petitioner as 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. The petitioner after his arrest on 21.09.2019 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, SBS Nagar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

07.07.2020
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No