

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16798-2020

Date of Decision: 29.06.2020

Hardeep Singh @ Bahman

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.34 dated 30.06.2019 registered under Section 22 and Section 29 (added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Singh Bhagwantpura, District Rupnagar, pending trial. The petitioner is in custody since his arrest on 27.07.2019.

Notice of motion.

On the asking of the Court, Ms. Monika Jalota, DAG, Punjab, accepts notice on behalf of respondent-State and states that as the advance copy of the petition was received, she has received the instructions to assist the Court.

As per the prosecution case, on 30.06.2019, recovery of 40 injections of Buprenorphine and 40 injections of Avil was effected from Mohan Singh.

Learned counsel for the petitioner contends that originally the FIR was registered for recovery of intoxicant injections from co-accused Mohan Singh and on his disclosure statement, the petitioner was indicted as

an accused. It is pointed out that from petitioner, 10 intoxicant injections were recovered, which fall in non-commercial category. It is pointed out that the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary. It is prayed that the petitioner be granted regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Devinder Singh has opposed the prayer, however, she does not dispute this fact that initially co-accused Mohan Singh was arrested and thereafter, the petitioner was made an accused in the above FIR. She also does not dispute the fact that the contraband recovered from the petitioner falls in non-commercial category. According to her, out of total 16 prosecution witnesses, 7 have been examined so far.

Considering the above, custody of the petitioner and the fact that the trial is likely to consume considerable time in view of the spread of global pandemic, namely, COVID-19 as the State Administration has imposed restrictions to curb its spread, so no useful purpose would be served by keeping the petitioner behind the bars. 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, Rupnagar.

The petition is allowed.

29.06.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE