

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16994-2020

Date of Decision: 17.07.2020

Gurmail Singh @ Sarpanch

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.P.S. Duggall, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.0118 dated 14.07.2019 registered under Sections 15/21/25 NDPS Act, 1985 at Police Station Dakha, District Ludhiana Rural. The petitioner is in custody since his arrest on 14.07.2019.

As per the prosecution case, a secret information was received by SI Jarnail Singh that Gurmail Singh @ Sarpanch was engaged in the business of selling narcotics. Upon receiving this information, a naka was set up and two bags containing total 55 kgs of poppy husk were recovered from the car of the accused/petitioner.

Learned counsel for the petitioner contends that the alleged contraband recovered from the petitioner was marginally above the non-commercial quantity i.e. 55 kgs and it includes the weight of the bags as well, wherein it was contained. He submits that the investigation of the case is complete and the challan stands filed on 09.12.2019, but till date even

charges have not been framed. According to him, the trial is likely to consume considerable time to conclude, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail.

On the other hand, Ms. Monika Jalota, DAG, Punjab, assisted by ASI Nirmal Singh, has opposed the prayer on the ground that the petitioner is involved in two other similar cases and, therefore, he does not deserve the concession of regular bail. She does not dispute this fact that the charges have not been framed by the trial Court so far because of ongoing pandemic, namely, COVID-19. She has pointed out that the vehicle used in the crime belongs to the petitioner.

At this stage, Mr. Duggall, learned counsel for the petitioner has pointed out that the vehicle actually stands registered in the name of the wife of the petitioner. He has also pointed out that in other two cases, the petitioner is on bail. He submits that all the prosecution witnesses are officials of the police department, therefore, there is no possibility of their being won over. It is prayed that the petitioner be released on regular bail.

After hearing learned counsel for the parties, this Court finds that the quantity recovered from the petitioner is slightly above the non-commercial quantity and the trial is likely to consume considerable time to conclude, 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. The petitioner after his arrest on 14.07.2019 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 Ludhiana.

The petition is allowed.

17.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No