

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17267-2020

DATE OF DECISION: JULY 20, 2020

DALIP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. RIFFI BIRLA, ADVOCATE FOR THE PETITIONER.
MR. H.S. SITTA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Dalip Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial, in case FIR No.79 dated 22.6.2019, under Section 22/25 NDPS Act, Police Station Vairo Ke, District Fazilka. The petitioner is in custody since his arrest on 22.6.2019,

The FIR was registered on 22.6.2019 on the basis of secret information wherein it was revealed that Gurpreet Singh @ Lakha son of Balwinder Singh resident of Nukeria and Dalip Singh son of Hardit Singh resident of Chak Pakhi used to sell intoxicating tablets, and were coming on their Bajaj CT 100 Motorcycle No.PB-22-P-5098 to village Kathgarh Simriywali to sell the tablets and upon setting up check post, they can be apprehended. Acting upon the information, 1100 tablets of Clovidol-100 SR each were recovered from both the accused persons. On these broad allegations the present FIR was recorded.

Learned counsel for the petitioner contends that the petitioner is

about 71 years old and is not involved in any other case and therefore, his further custody may not be necessary particularly, when the trial is not making any headway. It is pointed out by the learned counsel that the charges were framed on 26.11.2019 and till date no witness has been examined by the prosecution. She has submitted that the petitioner is not keeping good health and therefore, he be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Gurbax Singh opposed the aforesaid prayer on the ground that the quantity recovered from the petitioner is commercial in nature and therefore, the petitioner does not deserve the concession of regular bail. It is not disputed that the charges were framed on 26.11.2019, however, no prosecution witness has been examined so far.

At this stage, learned counsel for the petitioner has argued that all the prosecution witnesses are police officials, and therefore, there is no possibility of their being won-over. According to her, the petitioner be granted the concession of regular bail and he undertakes to stand the trial.

After hearing the learned counsel for the parties and taking into consideration the old age of the petitioner, this Court is of the opinion that the investigation of the case is complete, but trial of the case 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. The

petitioner is presently confined in judicial custody and is not required for any useful purpose. 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 concerned.

The petition is allowed.

July 20, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No