

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision-06.11.2020

1. CRM-M-17655-2020

Danny Kumar	Petitioner
State of Punjab	...Respondent
Vs.	

2. CRM-M-19549-2020 (O&M)

Amadi Dennis@ Dennis	Petitioner
State of Punjab	...Respondent
Vs.	

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhupinder Ghai, Advocate for the petitioner
in CRM-M-17655-2020.

Mr. Arjunveer Sharma, Advocate for the petitioner
in CRM-M-19549-2020.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.45 dated 22.02.2019 registered under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Muktsar, Shri Muktsar Sahib. The petitioners are in custody since their arrest on 12.12.2019.

As per the prosecution case, on 22.02.2019, when Police party was patrolling near Old Ajit Cinema, Bathinda Road, one lady was seen coming. On seeing the police, she turned to another road. On suspicion, she was stopped and on enquiry, she disclosed her name as Ruchika Chakarwanti. Upon search, one plastic bag containing 500 grams of heroin was recovered from her purse.

Learned counsel appearing on behalf of the petitioners argued

that the alleged recovery of 500 grams of heroin was effected from co-accused-Ruchika Chakarwari who was arrested on the spot. It is contended that on her disclosure statement, the petitioners alongwith co-accused Paramjit Kaur wife of Danny Kumar were also arraigned as an accused in the present FIR. Learned counsel has invited the attention of the Court to the order dated 04.07.2019 passed in CRM-M-15400-2019 to contend that co-accused Paramjit Kaur has already been extended the concession of pre-arrest bail. According to the counsel, investigation of the case is complete as the final report stands filed, however, trial is yet to commence and the same is likely to consume considerable time to conclude. They have prayed for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Karamjit Singh has opposed the prayer on the ground that the petitioner-Danny Kumar is involved in other cases. He has produced the custody certificate filed by way of affidavit of Bhupinder Singh, PPS, Deputy Superintendent, Central Jail Bathinda. He on instructions further states that co-accused Amadi Dennis is not involved in any other case, much less of the similar nature. According to him, charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, charges are yet to be framed. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. The background of the case further reveals that the case of the petitioners is almost similar to the co-accused, who has been extended the concession of pre-arrest bail, therefore, this Court does not find any reason to decline the prayer.

merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

06.11.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No