

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.18001 of 2020

Date of Decision: July 27, 2020

Rajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhmeet Singh, Advocate,
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.66 dated 13.05.2020, under Sections 21, 22 and 29 NDPS Act, 1985, registered at Police Station, Tappa Mandi, District Barnala. The petitioner is in custody since his arrest on 18.05.2020.

As per the allegations in the FIR, on 13.05.2020, Inspector/SHO along with other police officials was present near Baba Mathh Tapa for patrolling and checking of suspicious persons. At about 01.35 PM, secret informer gave information that Parminder Singh @ Pinda @ Prince was coming to Tapa City from Barnala City in his Alto Car bearing registration No.PB03-AZ-6728 for the purpose of selling intoxicating bottles and tablets and by setting up a nakabandi, he could be apprehended. On receipt of his information, a naka was laid and Parminder

Singh was apprehended and from his possession, 13 intoxicant vials and 129 intoxicant tablets were recovered. On these broad, allegations, above FIR was registered.

Learned counsel for the petitioner contends that the alleged recovery of the narcotic substance was made from co-accused Parminder Singh, who was arrested on the spot. He submits that the secret informer had given the name of the said accused to the police, whereupon the action was taken and the said accused was arrested. According to him, the petitioner has been indicted as an accused on the basis of the statement made by Parminder Singh and, therefore, the case of the prosecution qua the petitioner is comparatively on a weak foundation. He submits that the investigation of the case is almost complete as only FSL report is awaited. He prays for grant of regular bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Pardeep Kumar, has opposed the prayer on the ground that the recovered contraband falls in commercial quantity. However, it is not disputed by him that the recovery was made from accused Parminder Singh and the petitioner was neither named in the FIR nor was present at the spot. He fairly states that the petitioner is not involved in any other case, much less of the similar nature.

Considering the above, custody of the petitioner and the fact that the trial 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, this Court does not find any reason to decline the

prayer. The petitioner, after his arrest on 18.05.2020, 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, Barnala.

The petition is allowed.

July 27, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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