

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18295-2020

DATE OF DECISION: AUGUST 17, 2020

PARAMJIT SINGH @ PAMMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. B.S. TOOR, ADVOCATE FOR THE PETITIONER.
MR. RANA HARJASDEEP SINGH , DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Paramjit Singh @ Pamma has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 9 dated 25.1.2020 under Sections 21, 22, 25 NDPS Act, 1985, Police Station Sidhwan Bet, District Ludhiana. The petitioner is in custody since his arrest on 25.01.2020.

As per the allegations made in the FIR, on 25.1.2020, in the area of Sidhwan Bet, the police, on the basis of secret information, apprehended the petitioner alongwith other co-accused who were riding a motorcycle bearing No.PB25-F-3948 and recovered 300 gms. of intoxicant substance and 50 gms. of heroin from their possession.

Learned counsel for the petitioner contends that the recovery of the narcotic substance was made from a polythene bag held by the co-accused Rajwinder Singh who was a pillion rider alongwith the petitioner on the two wheeler being driven by co-accused Rachhpal Singh. It is

pointed out that the petitioner is neither the owner of the said vehicle nor involved in any other case of the similar nature. Learned counsel has submitted that in the given facts it is seriously debatable if the alleged contraband was in the conscious possession of the petitioner. According to him, the investigation of the case is complete and the final report stands filed. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State on instructions from ASI Davinder Singh has opposed the aforesaid prayer on the ground that the contraband recovered from the accused persons falls within the ambit of commercial quantity and therefore, the petitioner does not deserve the concession of regular bail. According to him, though the bag was held by co-accused Rajwinder Singh, but the petitioner was equally aware of the contents of the polythene. However, it is not disputed by him that the petitioner is not involved in any other case. He states that the charges in the present case were framed on 24.7.2020.

After hearing the learned counsel for the parties 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.

August 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No