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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18583-2020
Date of decision-21.07.2020

Albel Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Albel Singh has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.21 dated 07.05.2019 registered under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nandgarh, District Bathinda. The petitioner is in custody since his arrest on 07.05.2019.

As per the prosecution case, on 07.05.2019, when the Police party was going towards Village Chuge Kallan in connection with patrol duty, one person carrying polythene bag, was seen coming. On suspicion, he was apprehended. Upon search, 840 intoxicant tablets of Clovidol-100 SR and 660 tablets of Trio-SR were recovered from the polythene bag, carried by the petitioner.

Learned counsel for the petitioner contends that after

completion of the investigation, final report was filed on 09.08.2019 and thereafter, the charges were framed against the petitioner by trial Court on 27.08.2019. Learned counsel has produced the zimni orders to contend that despite various orders including the issuance of warrants, the prosecution witnesses have not turned up to testify before the Court. According to her, the trial is likely to consume considerable time to conclude and therefore, further custody of the petitioner, who is not involved in any other case of similar nature may not be necessary. She has prayed that the concession of the regular bail be extended to the petitioner during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Tarsaim Singh has opposed the prayer on the ground that the petitioner was carrying total 1500 tablets and the same falls in the category of commercial quantity. He has produced the custody certificate dated 20.07.2020 filed by way of an affidavit of Rahul Raja, PPS, Deputy Superintendent, Central Jail, Bathinda, which indicates that the petitioner is not involved in any other case of similar nature.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer of the petitioner particularly when the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 07.05.2019 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, Bathinda.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

21.07.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No