

CRM-M-18754-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18754-2020

DATE OF DECISION: JULY 31, 2020

VIJAY @ VIJAY SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. FARIAD SINGH VIRK, ADVOCATE FOR THE PETITIONER.
MR. SUDAKMEET SANDHU, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Vijay @ Vijay Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.112 dated 30.10.2019, under Section 21/25/27/27-A/29 of NDPS Act, 1985, Police Station Special Task Force, District Mohali. The petitioner is in custody since his arrest on 2.1.2020.

On 30.10.2019, a secret information was received by the police that Gurpreet Singh @ Soni, his wife Harpal Kaur @ Pal, Vijay and Kulwant Singh and Satnam Singh (both brothers-in-law of Gurpreet Singh @ Soni) and Bhura were engaged in selling heroin. According to the information, they kept heroin at the house of Gurpreet Singh @ Soni. On the basis of the said information, a raid was conducted at the house of Gurpreet Singh @ Soni and 1 kg. heroin was recovered.

Learned counsel for the petitioner contends that though the petitioner was named by the secret informer, but no recovery has been effected from him. He has further contended that the co-accused, namely,

CRM-M-18754-2020

Sarabjeet Singh @ Jeeti has been granted the concession of regular bail by this Court vide order dated 19.6.2020 passed in CRM-M-14437-2020. According to him, as the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He submits that the trial of the case is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

The prayer is opposed by learned State counsel assisted by SI Jagdev Singh. However, it is not disputed that nothing has been recovered from the petitioner, who was indicted as an accused on the basis of the statement made by the co-accused. It is also not disputed that the case of the petitioner is at par with the co-accused, namely, Sarabjit Singh @ Jeeti.

Considering the above and the fact that the 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 31, 2020

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE