

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

CRM-M-18948-2020

Date of Decision: 28.09.2020

Rajpal Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate
for the petitioner.
Mr. Sidakmeet Sandhu, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.40 dated 28.03.2019 registered under Section 22 NDPS Act, 1985 at Police Station Sadar Bathinda, District Bathinda. The petitioner is in custody since his arrest on 28.03.2019.

According to the prosecution, the FIR was registered on the allegations that the petitioner along with his co-accused, namely, Bittu Singh were separately carrying 2500 tablets of Clovidol 100-SR each without any permit. They were arrested on the spot by the police.

Learned counsel for the petitioner contends that as per prosecution, the petitioner and his co-accused were separately carrying 2500 tablets of Clovidol as 100-SR, which were contained in a polythene. He submits that the petitioner was allegedly driving the motorcycle bearing No.HR24C-8842 and the said polythene was lying in his lap. He submits that the co-accused of the petitioner has been released on regular bail vide order dated 06.07.2020 passed by this Court in CRM-M-6159-2020, as the trial is not making any progress. It is pointed out that only one prosecution witness has

been examined so far out of the total 15 witnesses, whereas the charges were

framed on 23.10.2019. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, the prayer is opposed by learned State counsel, who is assisted by ASI Sukhpal Singh on the ground that the recovered contraband falls within the category of commercial quantity and, therefore, the petitioner does not deserve the concession of regular bail. He submits that as per prosecution, the bag was lying in the lap of the petitioner, who was driving the motorcycle. He, on instructions further submits that the petitioner is not involved in any other case of similar nature.

Considering the above background, this Court does not find any reason to decline the prayer of the petitioner as 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. The petitioner after his arrest on 28.03.2019 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.

28.09.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

No
No