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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19515-2020
Date of decision-20.07.2020

Surjit Singh @ Seeti

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Rana, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Surjit Singh @ Seeti has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.27 dated 06.04.2017 registered under Sections 15, 18, 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bilga, District Jalandhar. The petitioner is in custody since his arrest on 25.04.2017.

As per the prosecution case, on 06.04.2017, when Police officials were present at 'Y' point Talwan in connection with patrol duty, a secret information was received regarding involvement of Surjeet @ Seeti (petitioner) and others in business of selling poppy husk, opium, heorin and other intoxicant material. Acting upon the same information, petitioner was apprehended and upon his search 120 grams of intoxicating powder was

recovered from the left pocket of his trousers.

Learned counsel for the petitioner contends that the alleged recovery of 120 grams intoxicant powder is slightly above the non-commercial quantity i.e.100 grams. According to him, the petitioner is in custody for a long time and therefore, his further custody may not be necessary particularly, when all the witnesses are Police officials and there is no possibility of their being won over. He 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 SI Somnath opposed the prayer on the ground that the petitioner is involved in other cases of similar nature. He has produced the custody certificate wherein his involvement in other cases is highlighted. It is pointed out by him that apart from the present case, the petitioner is serving his sentence of 10 years pursuant to his conviction recorded in case FIR No.25 dated 03.04.2014 registered under Section 15 NDPS Act and Section 482 IPC at Police Station Bilga, Jalandhar. According to him, even if the petitioner is granted bail, he would remain in prison to serve the sentence recorded in other case.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as 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 25.04.2017 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, Jalandhar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.07.2020
vanita

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