

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

CRM-M-19677-2020

Date of Decision: 03.12.2020

Gupreet Singh @ Gora

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Khiva, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.18 dated 30.04.2018 registered under Sections 22 and 25 NDPS Act, 1985 and Sections 379, 411 and 120-B IPC and (Section 473 IPC added later on), at Police Station Jaurkian, District Mansa. The petitioner is in custody since his arrest on 23.01.2020.

As per the prosecution case, 1200 intoxicant tablets make TREDOL-100 were recovered from accused Harjinder Singh @ Kali and Sukhjeet Singh @ Sukhjita, who were coming on motorcycle bearing No.PB-31-G-1711.

Learned counsel for the petitioner contends that after registration of the case, the petitioner was released on regular bail and subsequently, he failed to appear before the trial Court, which resulted in cancellation of the bail and issuance of non-bailable warrants against him. It is pointed out that subsequently, the petitioner was declared proclaimed

offender and was arrested on 23.01.2020. He submits that the alleged

contraband was recovered from the conscious possession of the co-accused and the petitioner was not even present at the spot. According to him, only 05 prosecution witnesses have been examined so far, out of total 23 prosecution witnesses and the trial is likely to consume considerable time. He prays for grant of bail.

On the other hand, learned State counsel assisted by SI Malkit Singh, has opposed the prayer on the ground that the petitioner is involved in five other cases also. However, it is not disputed by him that the petitioner was released on bail by the Court of Sessions. He, on instructions further states that still 18 prosecution witnesses remain to be examined.

Considering the above background and the custody of the petitioner, this Court finds that the petitioner deserves the concession of regular bail. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 23.01.2020, therefore, his further detention may not be necessary 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/Duty Magistrate Mansa.

The petition is allowed.

03.12.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No