

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

220

CRM-M-20192-2020

DATE OF DECISION: 10.08.2020

JIWAN SINGH

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.137 dated 20.06.2019, under Section 18 of the NDPS Act, 1985, registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the allegations in the FIR are that a bag containing 6 kgs of opium was recovered from the petitioner and the co-accused. He further contends that the petitioner is a labourer working in a private factory at Mandi Gobindgarh and is not involved in any other case under the NDPS Act. He is in custody for over 1 year. He also contends that SI Bakhshish Singh, who effected the recovery, had himself conducted the investigation, which is in violation of the judgment of the Supreme Court in the case of Mohan Lal Vs. State of Punjab, Criminal Appeal No.1880 of 2011, decided on 16.08.2018.

Learned State counsel has filed custody certificate through email which indicates that the petitioner is in custody for a period of 1 year, 1 month

and 15 days. Learned State counsel, upon instructions from SI Akash Dutt, contends that 4 out of 12 prosecution witnesses have been examined.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over 1 year and 1 month, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

10.08.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No