

207.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20336-2020 (O&M)

Date of decision: 15.12.2020

GURWINDER SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ankur Bansal, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-17662-2020

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing the original attested power of attorney of the petitioner from Central Jail, Kapurthala.

Prayer for exemption from filing the original attested power of attorney of the petitioner from Central Jail, Kapurthala on account of COVID-19 is accepted with the condition that the petitioner shall deposit the required document within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-M-20336-2020

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.161 dated 28.07.2019 registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner relies upon order dated 27.10.2020 passed by this Court in **CRM-M-7018-2020** titled as ***Ranjeet Singh @ Raja Versus State of Punjab*** and submits that the case of the petitioner is similar to the co-accused Ranjeet Singh @ Raja, who has already been admitted on regular bail by this Court. He further submits that as per the custody certificate, petitioner is involved in one more case under the NDPS Act i.e. FIR No.35 dated 16.04.2014 under Section 21/61/85 of NDPS Act, Police Station Mehna, District Moga. However, in that case, the recovery was of 4 grams of heroine, but he was released on probation. Petitioner is in custody since 28.07.2019 and the alleged recovery is 500 grams of heroin from the pocket of the petitioner.

Pursuant to the order dated 24.11.2020, learned State counsel has filed fresh custody certificate of the petitioner wherein it is reflected that the petitioner is named in two different FIRs including the present one.

I have heard learned counsel for the parties.

Considering the fact that the co-accused Ranjeet Singh @ Raja has been admitted on bail by this Court and the petitioner's case is at par to that of the co-accused and further as against total 10 witnesses cited by the prosecution, only one witness has been examined in the case and in this

manner, trial is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

However it is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

(HARI PAL VERMA)
JUDGE

15.12.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No