

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

CRM-M-23199-2020

Date of Decision :08.09.2020

Gajjan Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Abhilaksh Gaiind, Advocate
for the petitioner.

Mr. Randhir Thind, DAG, Punjab.

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SUDIP AHLUWALIA J. (ORAL)

This is an application for grant of regular bail under Section 439 Cr. P.C. to the petitioner in FIR No.74 dated 25.07.2019 registered under Sections 21 and 25 of the NDPS Act, 1985 (Section 29 added later on), at Police Station Sadar Moga, District Moga.

Notice of motion.

Mr. Randhir Thind, DAG Punjab accepts notice on behalf of the respondent-State.

The alleged recovery from the petitioner stated to be 265 gms of Heroin certainly exceeds the commercial quantity. It is however the petitioner's case that he has been falsely implicated and that he was actually illegally taken into custody by men in plain clothes from the market in Ferozepur at around 1:48 p.m. in the afternoon on the same date on which the alleged recovery was effected from him far away in Moga at around 7:30 p.m. To substantiate this claim, the petitioner has placed on record the CCTV footage of the market place in Ferozepur at around 1:45 p.m. of 25.07.2019, according to which he is seen to be taken away from his motorcycle and pushed into an unnumbered white car by men in plain clothes, ostensibly Police officials. The authenticity of such video footage at this stage cannot be conclusively verified.

It is, however, a matter of record that the petitioner is not involved in any other case under the NDPS Act and has already remained in

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detention for more than one year since 25.07.2019. The challan against him has already been presented long ago after completion of investigation and it transpires that even the charges were framed almost nine months earlier but no evidence from the prosecution side could commence apparently on account of onset of COVID-19 pandemic.

As such there is little chance of expeditious conclusion of trial. Considering all these factors and without making any further comments on the merits of the case or the version pertaining to the alleged illegal arrest as claimed by the petitioner himself, this Court is of the opinion that his further detention for an indefinite period of time at this stage is not warranted.

In the circumstances, the present petition is allowed and the petitioner, namely, Gajjan Singh s/o Sh. Uttam Singh, is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of Ld. Trial Court/Duty Magistrate.

08.09.2020

NainaRajput

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No