

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

**CRM-M-23385-2020
Date of decision-14.09.2020**

Gurpreet Singh **....Petitioner**
Vs.
State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.
Mr. Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.119 dated 18.07.2019 registered under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 61 and 85 NDPS Act added later on) at Police Station Barnala, District Barnala. The petitioner is in custody since his arrest on 18.07.2019.

As per the prosecution case, on 18.07.2019, a secret information was received that Vikram Singh @ Vicky and Gurpreet Singh (petitioner) being engaged in selling of intoxicant tablets would be coming to Handiaya Town on their motorcycle. Acting upon the same, accused were apprehended. Upon search, 3300 intoxicant tablets containing tramadol hydrochloride were recovered.

Learned counsel for the petitioner has pointed out that the alleged recovery was effected from co-accused-Vikram @ Vicky who was holding the bag in his hands and was a pillion rider on the motorcycle driven by petitioner. According to her, the vehicle is owned by co-accused and therefore, petitioner has been falsely indicted in this case. She submits that the petitioner is not involved in any other case of similar nature, and prays

that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Lakhwinder Singh has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity and therefore, the petitioner does not deserve the concession. However, it is not disputed by the learned State counsel that the petitioner is not involved in any other case of the similar nature.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer, particularly when the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19. The petitioner after his arrest on 18.07.2019 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 concerned.

The petition is allowed.

14.09.2020

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Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

No

No

(MANOJ BAJAJ)

JUDGE