

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23716-2020

Date of Decision: 25.08.2020

Gurpreet Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Luvinder Singh Sofat, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.178 dated 17.09.2019 registered under Sections 21 and 22 NDPS Act, 1985 and Section 411 IPC, 1860 at Police Station Kotwali Bathinda, District Bathinda. The petitioner is in custody since his arrest on 17.09.2019.

As per the prosecution case, 15 vials of Onerex 100 ml each were recovered from Gurpreet Singh (petitioner) and Harpal Singh, while they were on their motorcycle bearing No.PB-22-N-1235.

Learned counsel for the petitioner contends that the alleged contraband i.e. 15 vials of Onerex was contained in a polythene, which was found in the hands of co-accused Harpal Singh. It is submitted that the petitioner was driving the said motorcycle. He submits that the investigation of the case is complete and the charges were framed on 16.03.2020, but the trial is not making any progress. According to him, the

recovered quantity is marginally above the non-commercial quantity and,

therefore, he prays for regular bail of the petitioner during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Gurmeet Singh, has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He has further pointed out that the motorcycle driven by the petitioner was found to be a stolen one and a separate FIR No.254 dated 14.12.2018, under Section 379 IPC, at Police Station Kotwali was also registered against the petitioner. He has further submitted that the contraband was found in between the two occupants of the motorcycle.

At this stage, learned counsel for the petitioner submits that in FIR No.254 dated 14.12.2018, the petitioner was indicted for the offence punishable under Section 411 IPC i.e. for receiving the stolen property, whereas according to him, the motorcycle was purchased by the petitioner. He further submits that the petitioner is not involved in any other case under the NDPS Act.

Considering the above background, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 17.09.2019 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 Bathinda.

The petition is allowed.

25.08.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No