

217-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.23925 of 2020 (O&M)

Decided on: 16.12.2020

Bhupinder Singh @ Bhinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.46 dated 15.05.2020, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Kot Ise Khan, District Moga.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police on receiving a secret information that co-accused Vinod @ Baba and Satwinder Singh @ Sukha, are selling the intoxicant tablets, a raid was conducted and 25000 tablets of Tramadol Hydrochloride were recovered. It is further submitted that the petitioner was not even named in the secret information and he was nominated in the case on the basis of the disclosure statement made by two accused persons, who were arrested at the spot. It is also submitted that the petitioner was arrested on 27.06.2020 and even after his arrest,

CASE HEARD THROUGH VIDEO CONFERENCING

nothing was recovered from the petitioner. Lastly, it is submitted that the petitioner is the first offender and is not required for any further investigation.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is, however, submitted by counsel for the State that the petitioner was arrested on the next day of the registration of the FIR i.e. 16.05.2020.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.12.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No