

Sr. No. 208

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

CRM-M-24209 of 2020 (O&M)

DATE OF DECISION : 16.09.2020

Gurpreet Singh @ Jony

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amaninder Preet, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 34 dated 09.03.2020, registered under Sections 21, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Barnala, District Barnala.

2. Per FIR, on 09.03.2020, while a police party was on patrolling, a secret information was received that one Binder Ram and Jora Singh are indulgent in selling contraband. FIR was registered. Binder Ram and Jora Singh were arrested and from them 260 grams of heroin was recovered. On their disclosure statements, petitioner too was arrested by the police on 10.07.2020 and he is in custody since then.

2. Learned counsel submits that neither the petitioner was named in the secret information nor anything was recovered from the petitioner. According to him, the petitioner was implicated in this case on the basis of custodial disclosure statements of co-accused, which are not legally

admissible. According to him, there has been violation of mandatory provisions of Section 50 of NDPS Act. He further submits that investigation is already over and custodial interrogation of the petitioner is not required. He further submits that petitioner is not involved in any other case. According to him, in the present pandemic scenario, there is no likelihood of even commencement of trial.

4. On the other hand, learned State counsel opposes the bail plea. He, however, on instructions of SI Lakhvinder Singh, admits that petitioner was arrested in this case on the basis of disclosure statements of co-accused, who are currently confined and nothing was recovered from the petitioner and that petitioner is not involved in any other case. He admits that investigation is over and presently there is no headway in the trial due to pandemic.

5. Presently, the trial has not commenced and the aforesaid contentions of learned counsel are to be adjudged only at the trial. Courts are working with restrictions and taking up only urgent matters. Petitioner is not involved in any other case. Considering the overall scenario and without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

September 16, 2020
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No