

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

CRM-M-24767-2019(O&M)

Date of decision: 04.11.2020

Rajwinder Singh @ Raju

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S. Brar, Advocate for the petitioner.

Mr. K.L. Saini, Advocate, for
Mr. Som Nath Saini, Advocate, for the applicant-petitioner.

Mr. M.S. Nagra, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-25009-2020

Prayer in the present application is for releasing the applicant-petitioner on interim bail for a period of 20 days.

Learned counsel for the applicant-petitioner submits that the wife of the applicant-petitioner, namely, Jaspinder Kaur is a patient of hypertension and in these days she is not well and her treatment is going on. The applicant-petitioner is having 3 minor children along with old aged mother and now all the responsibility is on the shoulder of his wife.

Since the recovery effected from the truck, which was being driven by the applicant-petitioner, is 6 quintals and 80 kgs of *poppy husk*, no case is made out for allowing the prayer in the application.

Dismissed.

Main case:

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 97 dated 27.09.2017 registered under Sections 15 and 25 of the NDPS Act, at Police Station Mehna, District Moga.

Learned counsel for the petitioner states that a false and frivolous case has been planted upon the petitioner. The petitioner has been in custody since 27.09.2017. Challan has been presented and charges have been framed. Two other co-accused are on bail.

Additionally, the learned counsel for the petitioner prays for grant of regular bail on the ground of massive spread of Covid-19 cases.

Copy of custody certificate by way of affidavit dated 03.11.2020 of the Deputy Superintendent, Central Prison, Faridkot, submitted by the learned State counsel through email, is taken on record.

Learned State counsel points out that recovery of 6 quintals and 80 kgs of poppy husk was effected from the truck driven by the petitioner, as far as other co-accused, who have been granted bail are concerned, they were not arrested at the spot, thus, the petitioner could not have parity with them. Out of 13 prosecution witnesses, only 2 have been examined so far. Out of two other cases registered against the petitioner, in one case he has been convicted and in one case he has been acquitted. The recovered contraband

falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity.

I have heard the learned counsel for the parties.

Merely presentation of challan is not a ground for releasing the petitioner on bail, especially when recovery of contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity. The prayer of the petitioner for release on bail on Covid-19 ground does not have any merit either.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

04.11.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No