

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-25762 of 2020 (O&M)
Date of decision : November 11, 2020

Pappu Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Dushyant Bhardwaj, Advocate, for the petitioner
Mr. Jagmohan Ghuman, DAG Punjab

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The allegations against petitioner Pappu Singh in this second regular bail application under Section 439 Cr.P.C. filed in case FIR No. 186 dated 26.10.2019, under Sections 15, 25 of NDPS Act, Police Station Sadar Bathinda are as follows:-

“The police during routine patrolling duty accosted a truck along with three persons. On search of the vehicle,

three bags of poppy husk in all weighing 80 kgs were recovered. The persons disclosed their names as Harnaib Singh, Rajwinder Singh and the present petitioner.”

Learned counsel for the petitioner inter-alia contends that similarly placed co-accused Rajwinder Singh has been allowed bail by this Court vide orders dated 19.8.2020 Annexure P/3 and that the case of the petitioner is not distinguishable from that of his co-accused.

Learned State counsel does not displace the facts but has opposed the bail on the grounds of heinousness of the offence.

Going through the submissions, keeping in view that the petitioner is behind the bars for more than one year, the contentious issue arises as to the conscious possession of the accused who all the three were travelling in the truck and thus a debatable issue to be adjudicated at the time of trial. In view of the present COVID-19 pandemic there is every likelihood that the trial is not completed in the near future and no other case is pending against him and in view of the principle of parity, the petitioner deserves the concession of bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial

Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

November 11, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No