

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26248-2020

DATE OF DECISION: NOVEMBER 11, 2020

HOSHIYAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. BRAR, ADVOCATE FOR THE PETITIONER.
MR. SANDEEP SINGH DOEL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.22 dated 23.1.2020, under Section 22, NDPS Act, 1985, Police Station City Malout, District Sri Muktsar Sahib. The petitioner is in custody since his arrest on 23.1.2020.

According to prosecution, when ASI Ranjit Singh, Anti Narcotic Cell alongwith other police officials was on patrolling duty, they saw two young persons standing on the canal and removing something from a polythene bag held in their hand . After seeing the police party, they threw the polythene bag on the road and tried to frisk away and while they threw the bag on road, two packets came out of it. On suspicion, both of them were apprehended and on enquiry they disclosed their identity as Hoshiyar Singh and Kuldeep Singh @ Gaggu. The said packets and the polythene bag were taken into possession and 90 strips of Clovidol-SR Tablets (Tradamol Hydrochloride Tablets 100 ms), each strip containing 10 tablets each, totalling 900 intoxicating tablets were recovered. On these broad

allegations, the present FIR was registered.

Learned counsel for the petitioner contends that a false case has been planted upon the petitioner. He further submits that the petitioner is in custody for the last more than 9 months and is not involved in any other case. He submits that as the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He further submits that the trial of the case is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Gurmit Singh has opposed the aforesaid prayer on the ground that the contraband was recovered from the conscious possession of the petitioner and the same falls within the ambit of commercial quantity. He on instructions states that the investigation of the case is complete, and the petitioner is not involved in any other case.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete however, the trial is yet to commence. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody from 23.1.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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 concerned.

The petition is allowed.

November 11, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No