

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

CRM-M-26281-2020

Date of Decision: 29.10.2020

Deepak Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar Passi, Advocate for the petitioner.

Mr. Ramdeep Partap, 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.180 dated 06.06.2020 registered under Section 22 NDPS Act, 1985 and Section 29 NDPS Act, 1985 (added later on) at Police Station City Faridkot, District Faridkot. The petitioner is in custody since his arrest on 06.06.2020.

The FIR was registered on the basis of a secret information and the allegations as noticed by the learned Judge, Special Court, Faridkot in the order dated 31.08.2020 are as under:

“Perusal of record reveals that FIR No.180 dated 6.6.2020, under Section 22 of NDPS Act, has been registered against accused-applicant Deepak Kumar and Manjinder Singh @ Manju and Manish Kumar, at Police Station City Faridkot, on the allegations that they were apprehended while coming on Activa scooter and Jupiter scooter and on search, from the Activa scooter in possession of accused-applicant Deepak Kumar and Manjinder Singh @ Manju 1450 intoxicant tablets, and from Jupiter scooter in possession of accused Manish Kumar 2500 intoxicant tablets were recovered. During interrogation, accused disclosed that they have brought the said intoxicant tablets from Harjinder Kumar @ Jinder Arora son of Channa, resident of Gandhria Wali Gali, Guruharsahai, District Ferozepur.”

Learned counsel for the petitioner contends that except for the present case, the petitioner is not involved in any other case of similar nature. According to him, the investigation of the case is complete and, therefore, the further custody of the petitioner may not be necessary, as the co-accused, who was a pillion rider with him, has already been released on regular bail by this Court vide order dated 09.10.2020 passed in CRM-M-31176-2020. Mr. Passi, learned counsel has further submitted that the petitioner is not keeping good health and is suffering from "Haemorrhagic Contusions" in Right fronto-Temporal region which requires surgical intervention. He has drawn the attention of the Court to the medical report filed by Dr. Harlab Singh, Medical Officer, Central Jail, Ferozepur, along with the short affidavit of Arvinder Pal Singh, Superintendent, Central Jail, Ferozepur.

On the other hand, learned State counsel assisted by SI Harphool Singh, has opposed the prayer on the ground that the recovered material falls within the commercial quantity of the NDPS Act, 1985. However, it is not disputed that the petitioner is not involved in another case, who is suffering with the neuro disease.

Considering the above background, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 06.06.2020 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

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/Duty Magistrate Faridkot.

The petition is allowed.

29.10.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No