

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26697-2020

DATE OF DECISION: SEPTEMBER 14, 2020

MOHD. USMAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.J.SINGH UPPAL, ADVOCATE FOR THE PETITIONER.
MR. LUVINDER SOFAT, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Mohd. Usman has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.82 dated 14.4.2019, under Sections 15, 29, 25, 61 of NDPS Act, Police Station Dehlon, District Ludhiana. The petitioner is in custody since his arrest on 14.4.2019.

The FIR in the present case was recorded on the statement of HC Mohd. Sadiq, Special Task Force, Ludhiana on the allegations that on 14.4.2019, when he alongwith other police officials was searching for smugglers of intoxicant substances at Dehlon By-pass, near C-One Restaurant, Ludhiana, he received a telephonic message from the special informer that Baljinder Singh son of Darbara Singh owner of truck Ashok Leyland bearing No.PB13AW 2836 in connivance with his Driver Azgar Ali and Cleaner Mohd. Usman was engaged in selling poppy husk and upon barricading, Azgar Ali and Mohd. Usman can be caught alongwith the huge quantity of poppy husk from the vehicle. Acting upon the information, the

police recovered 65 kgs. of Poppy Husk from the truck and arrested the above named driver and cleaner.

Learned counsel for the petitioner contends that the petitioner was working as a Cleaner with his co-accused (driver of truck No.PB13AW 2836), wherefrom 65 kgs. of poppy husk was recovered. According to him, the petitioner is not involved in any other case of similar nature and it is debatable if the recovered contraband was in his conscious possession. It is submitted that the trial is not making any progress, therefore, the further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned counsel for the State assisted by ASI Ranjit Singh has pointed out that the charges were framed on 13.11.2019, however, presently, because of the ongoing pandemic, the trial is not progressing. According to him, the prosecution is yet to examine its witnesses, but has opposed the bail on the ground that the recovered contraband falls under commercial quantity. He on instructions states that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties this Court is of the opinion that as the trial of the case 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, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

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 concerned.

The petition is allowed.

September 14, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No