

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27941-2020

DATE OF DECISION: SEPTEMBER 22, 2020

KALA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PRATEEK PANDIT, ADVOCATE FOR THE
PETITIONER.

MR. SUKHBEER SINGH, AAG, 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.41 dated 26.2.2020 under Section 15, 29 NDPS Act, 1985, P.S. Kotwali Kapurthala, District Kapurthala. The petitioner is in custody since his arrest on 5.7.2020.

As per the allegations levelled in the FIR, on dated 26.2.2020, when a SHO Navdeep Singh alongwith police party was present near Y-point near Kanjli Bridge for patrolling and in search of bad elements, a secret information was received by him that Sunny, Kala and Kanta who were involved in bringing poppy husk from Kashmir for selling it further, and Sunny in his truck bearing Registration No.PB06-G-2277 had brought poppy husk from Batala and was waiting for customers to sell the same alongwith his truck parked at katcha track near Kanjli Bein and upon raid, a huge quantity of poppy husk can be recovered from him. Acting upon the said information, said Sunny was apprehended and upon search, 20 bags of

poppy husk, weighing 20 kgs. each (totalling 400 kgs.) were recovered from the truck. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the alleged contraband was recovered from the possession of co-accused Sunny and on the basis of his disclosure statement, the petitioner alongwith co-accused Kulwant Singh @ Kanta were indicted as accused. He submits that the co-accused stands released on anticipatory bail vide order dated 14.8.2020, passed by this Court and therefore, the petitioner also deserve the concession of regular bail as the investigation is complete. 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 Satnam Singh has opposed the aforesaid prayer on the ground that the petitioner is involved in another case of a similar nature, i.e. case FIR No.275 dated 22.9.2018 under Section 15 and 29 NDPS Act, 1985 registered at Police Station Sultanpur Lodhi, District Kapurthala. However, it is not disputed that the investigation of the case is complete.

At this stage, learned counsel for the petitioner has produced the order dated 9.12.2019 passed in CRM-M-29267-2019, whereby the petitioner was released on bail in case FIR No.275 dated 22.9.2018. He further contends that in the said case also, the petitioner was indicted as an accused in the similar manner.

Considering the above background, this Court is of the opinion that the investigation of the case is complete, but 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 22, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No