

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

CRM-M-29035-2020 (O&M)
Date of decision : 28.09.2020

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.283 dated 20.05.2020, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at P.S. City Barnala.

States that the FIR in question was registered on 20.05.2020, wherein, co-accused Ranjit Singh and Manpreet Singh, were arrested. The petitioner was not arrested from the spot. He was arrested in pursuance of the disclosure statement of co-accused Ranjit Singh on 04.06.2020 and allegedly 710 intoxicating tablets of Clovidol SR, which as per the FSL report contain Tramadol Hydrochloride salt, were recovered from him. Learned counsel states that in view of the long gap between the date of FIR, the arrest of the petitioner and alleged recovery from him, the case of the prosecution has become doubtful. The petitioner is a young man of 30 years, sole bread-winner of the family and not involved in any other FIR.

Learned State counsel though admits the factum of the petitioner not being involved in any other FIR but states that the quantity of contraband recovered from the petitioner comes under the category of 'commercial quantity'.

Heard.

Considering the long gap between the arrest of the co-accused Ranjit Singh and Manpreet Singh on 20.05.2020 and the disclosure statement leading to arrest of the petitioner on 04.06.2020, coupled with the fact that the petitioner, who is stated to be the sole-bread winner of the family, is not involved in any other FIR, this Court is inclined to grant the relief sought in the instant petition.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

28.09.2020
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No