

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-31516 of 2020

Date of Decision: October 13, 2020

Jarnail Singh @ Jaila

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Puneet Sharma, Advocate,
for the petitioner.

Mr. Manpreet Singh Nagra, 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.37 dated 17.03.2019, under Sections 22 and 29 N.D.P.S.Act, 1985, registered at Police Station, Sadar Sangrur, District Sangrur. The petitioner is in custody since his arrest on 21.01.2020.

As per the allegations made in the FIR, on 17.3.2019, while the police officials of Police Station Sadar Sangrur were on patrolling duty for checking of suspicious persons near the bridge of minor canal in the limits of Upali, at about 11.30 a.m., a secret information was received that Lakhveer Singh @ Gaggu, resident of Upali, who was habitual of selling intoxicant tablets, was bringing the same to hand over to his step-father Jarnail Singh @ Jaila, who further used to sell the same in villages and if a nakabandi was laid on the bridge of minor canal, he could be apprehended with heavy quantity of intoxicant tablets.

Learned counsel for the petitioner contends that except for the present case, the petitioner is not involved in any other similar case and the concession of interim regular bail extended to him w.e.f. 15.05.2019 till 21.01.2020 was never put to misuse by him. According to him, the charges in the case were framed on 18.02.2020, but no witness has been examined so far by the prosecution. It is contended that the co-accused of the petitioner, namely, Lakhveer Singh has already been released on bail by this court vide order dated 17.08.2020 and, therefore, the petitioner also deserves the concession of regular bail.

On the other hand, learned State counsel assisted by SI Jagtar Singh has opposed the prayer on the ground that the case of the petitioner is distinguishable from his co-accused as the said accused was indicted on the basis of the disclosure suffered by the petitioner. He submits that the recovered contraband, i.e., 920 tablets falls within the ambit of commercial quantity and, therefore, the petitioner does not deserve the concession of bail. However, it is not disputed by him that the prosecution has not examined even a single witness out of the total fifteen witnesses.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed and the charges were framed on 18.02.2020, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 21.01.2020 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, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

October 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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