

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-31176 of 2020
Date of Decision: October 09, 2020

Manjinder Singh @ Maninder Singh @ Manju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jashan Jot Singh Uppal, Advocate,
for the petitioner.

Mr. C.L.Pawar, Sr.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, under Section 22 and Section 29 (added later on) N.D.P.S.Act,1985, registered at Police Station, City Faridkot, District Faridkot. The petitioner is in custody since his arrest on 06.06.2020.

As per the allegations in the FIR, on 06.06.2020, a telephonic call was received by SI from Constable Bhupinder Singh that he along with Constable Varinder Singh was present on the bridge Sua Sadiq Road, Faridkot. On receipt of the same, SI along with the other police officials reached there, where Constable Bhupinder Singh along with companions and three boys along with Aactiva and Jupiter scooty without number was present. On asking, the first person disclosed his name as Deepak Kumar, second person told his name as Manjinder Singh @ Manju and the third boy

disclosed his name as Manish Kumar. Thereafter, the search of Deepak Kumar, Manjinder Singh @ Manju and Manish Kumar and their vehicles was conducted and in the dicky of scooty, the envelope of green colour, three boxes of intoxicant tablets CLOVIDOL-100 SR containing 145 strips were recovered and on counting, total 1450 tablets were recovered from them. Thereafter, search of Jupiter scooty of Manish Kumar was conducted and in the dicky, envelope of black colour containing five boxes of intoxicant tables CLOVIDOL-100 SR were recovered and after counting 250 strips, total 2500 tables were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per the prosecution, three persons, including the petitioner were apprehended and on search of the two vehicles, total 3950 tablets of CLOVIDOL-100 SR were recovered. He has submitted that the petitioner was a pillion rider on a two wheeler, which was driven by co-accused Deepak and, therefore, it will be seriously debatable if the said contraband was in conscious possession of the petitioner. He submits that none of the vehicles involved in the crime belonged to the petitioner and, therefore, the further custody of the petitioner may not be necessary, particularly when he is not involved in any other similar case. He prays for grant of bail during the pendency of the trial.

On the other hand, learned State counsel has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. According to him, the investigation of the case is complete, but the report of FSL is yet to be received. Learned State counsel has produced the custody certificate issued by the Deputy Superintendent,

Central Jail, Ferozepur and states that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is almost complete, however, 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 06.06.2020 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, Faridkot.

October 09, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No