

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32469-2020

DATE OF DECISION: OCTOBER 26, 2020

VIPIN VAID @ SONU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. DHALIWAL, ADVOCATE FOR THE PETITIONER.
MR. HARPREET SINGH MULTANI, 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.161 dated 31.7.2018, under Section 22 NDPS Act, 1985, Police Station Maur District Bathinda. The petitioner is in custody since his arrest on 26.10.2020.

As per the allegations made in the FIR, when ASI Parvinder Singh alongwith other police officials was patrolling in search of bad elements and was present near Railway crossing in front of Eiser Petrol Pump, Maur Khurd, at about 5.30 p.m., a person was seen entering the petrol pump on motorcycle bearing No.PB31-K-8360, Make Discover from Maur Mandi, but came back without filling petrol. On suspicion, he was stopped and on enquiry, he revealed his name as Vipin Vaid @ Sonu. A polythene bag was found hanged on his motorcycle and on checking the same, 12 intoxicant vials of ONEREX weighing 100 ML each, 49 strips of ALTIS-0.5, each strip containing 15 tablets and 15 strips of CARISOPRODOL, each strip containing 10 tablets were recovered. On these broad allegations,

the present FIR was registered.

Learned counsel for the petitioner contends that though the charges were framed on 27.3.2019, but till date no prosecution witness has been examined so far out of total 10 prosecution witnesses. Learned counsel further submits that the petitioner is already in custody for more than 2 years and the ongoing pandemic is likely to delay the conclusion of the trial, therefore, further custody of the petitioner may not necessary. He prays for grant of bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Gurpreet Singh has opposed the aforesaid prayer on the ground that the recovery of three different contrabands effected from the petitioner fell within the commercial quantity contemplated by the NDPS Act, 1985. He has filed the custody certificate of the petitioner by way of affidavit of Rahul Raja, PPS, Deputy Superintendent, Central Jail, Bathinda, which reveals that the petitioner is not involved in any other case of similar nature. It is also not disputed by him that no prosecution witness has been examined so far.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete and the charges were also framed on 27.3.2019. It is apparent that the trial is yet to commence. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody 26.10.2020 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, 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 concerned.

The petition is allowed.

October 26, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No