

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34068-2020

DATE OF DECISION: NOVEMBER 4, 2020

HARWINDER SINGH @ HENGRY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PARSHOTTAM LAL SINGLA, ADVOCATE
FOR THE PETITIONER.

MR. S.P.S. TINNA, ADDL.A.G., PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Harwinder Singh @ Hengry has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.115 dated 28.7.2018 under Section 22, NDPS Act, Police Station Badhni Kalan, District Moga. The petitioner is in custody since his arrest on 29.7.2018.

As per the allegations levelled in the FIR, when Inspector/SHO Surjit Singh alongwith other police officials was present at Bus Stand, Badhni Road, Lope in connection with detection of suspected persons, a secret informer met him and informed that Harwinder Singh Hengry son of Gurmeet Singh being involved in selling of intoxicant power and medicines, was sitting in his CD shop and in case a raid is conducted, huge quantity of intoxicant power and medicines can be recovered. On the basis of said information, the petitioner was arrested for possessing 80 tablets of Alprazolaem and 270 gms of intoxicating powder.

Learned counsel for the petitioner contends that the Salt was marginally above the non-commercial quantity which included the weight of the polythene as well and as the petitioner is not involved in any other case, therefore, his further custody may not be necessary as the trial is progressing slowly. 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 Pritam Singh has opposed the aforesaid prayer on the ground that the recovered quantity of Salt as well as the tablets fall in commercial quantity. He has produced the custody certificate by way of affidavit of Harpreet Singh, Deputy Superintendent, Central Prison, Farikot which indicates that the petitioner is not involved in any other case muchless of the similar nature. According to him, only 5 witnesses have been examined so far out of total 15 witnesses.

Considering the above, this Court finds that the investigation of the case is complete, but the trial is progressing at a slow pace. 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 29.7.2018 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.

November 4, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No