

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33128-2020(O&M)

Date of Decision:03.12.2020

Harpreet Singh @ Ricky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Raj Kumar Gupta, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-25890-2020

Prayer in this application filed under Section 482 Cr.PC is for exemption from filing the physical vakalatnama.

Prayer for exemption of filing the physical vakalatnama on account of COVID-19 is accepted with the condition that the petitioner shall file the required document within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-M-33128-2020

Prayer in this petition filed under Section 439 Cr.P.C. is for

grant of regular bail to the petitioner in FIR No.57 dated 12.04.2020 under

Sections 21/25 of the NDPS Act, 1985 and Section 188 IPC, registered at Police Station Dakha, District Ludhiana.

Learned counsel for the petitioner has argued that the petitioner is in custody since 14.04.2020. He submits that other co-accused Swaranjeet Singh @ Sunny and Jaspreet Singh @ Jassi have been admitted on bail by this Court vide order dated 18.11.2020 passed in **CRM-M-15944-2020(Swaranjeet Singh @ Sunny Versus State of Punjab)** and **CRM-M-25758-2020(Jaspreet Singh @ Jassi Versus State of Punjab)**, respectively. Though, there is another case against the petitioner i.e. FIR No.75 dated 19.04.2015 under Sections 22/25/61/85 NPDS Act, Police Station Jagraon, Ludhiana, but it being a small quantity, offence is triable by the Magistrate. Otherwise, petitioner is on bail in that case.

Learned State Counsel, on instructions from ASI Gursewak Singh, does not dispute the custody of the petitioner. However, he submits that since the petitioner was found involved in another case under the NDPS Act, he is not entitled for bail. Petitioner was owner and driver of the car, from where the contraband was recovered in the case.

Heard learned counsel for the parties.

Petitioner is in custody since 14.04.2020. Co-accused Swaranjeet Singh @ Sunny and Jaspreet Singh @ Jassi have been admitted on bail by this Court vide order dated 18.11.2020. Though, there is another case against the petitioner, but it being a small quantity and the offence is triable by the Magistrate, he is on bail in that case. Moreover, in view of COVID-19 pandemic, conclusion of trial will take sufficient long time. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner

is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act henceforth, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

December 03, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No