

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35677-2020

DATE OF DECISION: DECEMBER 3, 2020

BUNTY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. SEKHON, ADVOCATE FOR THE PETITIONER.
MR. SARABJEET SINGH CHEEMA, 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.188 dated 7.9.2018 under Section 22, 61, NDPS Act, 1985, Police Station City Ferozepur, District Ferozepur. The petitioner is in custody since his arrest on 7.9.2018.

As per allegations made in the FIR, on 7.9.2018 when Inspector/SHO Jasveer Singh, Police Station City Ferozepur alongwith other police officials were present near Love Kush Chowk, there, an informer gave a secret information that Banti, Salim and Rahul who were habitual of selling of intoxicant tablets, were riding on Dute Hero White Colour bearing No.PB-05-AG-6514 in the area of Bajaj Dairy Basti Bhattian and if a raid is conducted, they can be apprehended with the intoxicating tablets. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner was driving the motorcycle and the alleged contraband of 1100 tablets of Alprazolam was recovered from his co-accused, namely, Salim (pillion

rider). He submits that after registration of the case, the concession of interim regular bail was extended to the petitioner as the FSL report was awaited. He submits that the petitioner remained on interim regular bail w.e.f. 17.10.2018 to 6.3.2020 and during this period, the said concession was never misused by him. He submits that the trial is likely to consume considerable time as no prosecution witness has been examined so far. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Sharma Singh has opposed the aforesaid prayer on the ground that the quantity recovered falls under the commercial category and the charges are yet to be framed. He submits that the final report was filed on 31.1.2019, however, for want of FSL report, the charges could not be framed. It is pointed out that the petitioner is involved in 18 other cases, however, no other case of similar nature is pending against him.

At this stage, learned counsel for the petitioner contends that the petitioner did not commit any crime after his release on interim regular bail and all the cases were pending when the concession was extended to him by the trial Court.

Considering the above background, the custody of the petitioner and the fact that the trial is yet to commence which is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The

petitioner is presently confined in judicial custody and is not required for any useful purpose.

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.

December 3, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No