

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-37901-2020

Date of decision: 22.12.2020

Jagpal Singh @ Jaspal Singh @ Jaggi and another
.....Petitioners

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Sandeep Vermani, Additional AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioners-Jagpal Singh @ Jaspal Singh @ Jaggi and Sukhdeep Singh @ Bagga, stated to be aged 33 & 30 years respectively, have jointly filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.23 dated 05.03.2020 (Annexure P-1), registered under Section 15/25/61/85 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Balianwali, Bathinda, District Bathinda.

Learned counsel for the petitioners, based on the pleadings in the petition, submits that firstly as is evident from perusal of the FIR, the case of the prosecution was that one horse Tralla No.PB65AD-2685 and Mahindra Jeep No.PB03AP-5153, along with three persons Jagpal Singh alias Jaggi (petitioner No.1 herein), Sukhdeep Singh @ Bagga (petitioner No.2 herein)

and Bhola Singh (petitioner in CRM-M-19360-2020) were going in the two vehicles. Learned counsel further clarifies that present two petitioners were allegedly in the horse Tralla wherefrom the alleged recovery is 80 kg of poppy husk and from the Mahindra Jeep, the alleged recovery is 60 kg of poppy husk. These facts have been noticed in page 1 of the order dated 06.06.2020, passed by the Judge Special Court, Bathinda (Annexure P-2). Learned counsel therefore submits that Bhola has been granted regular bail by this Court vide order dated 28.08.2020, passed in CRM-M-19360-2020. He secondly submits that owner of the horse Tralla namely Nirmal Singh, has also been granted anticipatory bail by this Court vide order dated 28.08.2020, passed in CRM-M-12817-2020, which was in continuation of order dated 15.06.2020, passed by this Court (whereby interim bail was granted to him). He thirdly submits that the petitioners are neither involved in any other case nor case concerning the present alleged offence. He fourthly submits that the alleged recovery is almost the same i.e. 80 kg in the present case, whereas, in the case of Bhola, it was 60 kg. He therefore draws parity from the order dated 28.08.2020.

On instructions from ASI Paramjeet Singh, learned State counsel submits that the petitioners have undergone 09 months & 09 days of custody. It is also not disputed that both the petitioners are not involved in any other case. He then submits that the position of investigation remains the same as on 28.08.2020. In other words, challan in this case was presented on 07.08.2020, but till date, no further progress has taken place. Now the case before the trial Court is fixed for 05.01.2021 and charges have not been framed till date. Learned State counsel then submits that there are 22 witnesses but none has been examined till date.

Faced with the situation, learned counsel for the petitioners submits that in view of the COVID situation, detention of the petitioners in jail would be dangerous to their lives and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

22.12.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No