

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-34172 of 2019 (O&M)
DATE OF DECISION : 06.08.2020**

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. N.K. Banka, DAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in case FIR No. 92 dated 03.10.2016, registered under Sections 15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Mamdot, District Ferozepur.

2. Per allegations in the FIR, police officials conducted a raid pursuant to secret information and noticed five suspicious persons. On seeing the police party, while others fled but one Subeg Singh was apprehended. Poppy husk weighing 40 kgs per bag was recovered from four plastic bags, on which he was sitting. During investigation, further recovery of 49 Kgs of poppy husk was effected from accused Satnam Singh. Later, the petitioner too was arrayed as an accused in the case.

3. Learned counsel for the petitioner submits that initially the petitioner was granted the benefit of anticipatory bail vide order dated 01.12.2016 passed in CRM-M-41864 of 2016, but he could not join the investigation and was declared a proclaimed offender. Later, the petitioner himself surrendered before the Court on 13.05.2019 and since then he is in custody. He further submits that nothing was recovered from the petitioner and his identity as a person who flee from the spot

would be a moot question at the trial. He further submits that co-accused are on bail and there is no likelihood of trial being concluded in near future.

4. On the other hand, learned State counsel opposes the bail plea. He submits that petitioner has misused the concession of anticipatory bail granted to him and it is due to his fault, trial is lingering. On query of Court, learned State counsel does not controvert that not only investigation is complete, but prosecution has already concluded its evidence and now the defence evidence is getting delayed due to pandemic conditions.

5. The petitioner is in custody since 13.05.2019. The contentions of petitioner about his identity and nothing was recovered from him have to be adjudicated during trial, which is not likely to conclude anytime soon. Due to covid-19 pandemic, Courts are working with restrictions and taking up only urgent matters. The co-accused have already been enlarged on bail and it will be decided after trial as to from whose possession, the recovery was effected. Therefore, without commenting on the merits of the case, the petition is allowed.

6. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Ferozepur, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

August 6 ,2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No