

CRM-M-40109-2020

JAGDEV SINGH
STATE OF PUNJAB

VERSUS

...PETITIONER
...RESPONDENT

PRESENT: MR. H.S. JALAL, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH, SR.DAG, PUNJAB.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.142 dated 7.10.2020, under Section 15, 25, 29 (added later on) NDPS Act, 1985, Police Station Barnala. The petitioner is in custody since his arrest on 8.10.2020.

As per the allegations in the FIR, on 7.10.2020 when ASI Shrif Khan alongwith other police officials was patrolling near the Grain Market of Handiaya, an informer disclosed him around 3.20 p.m. that Gurpreet Singh son of Darshan Singh and Kulwinder Singh son of Bhajan Singh were involved in selling poppy husk in the area of village Handiaya and nearby villages by bringing it in truck/trolla No.PB-03-U-1211 owned by Gurpreet Singh. According to the information, if a naka is laid, they can be apprehended. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the alleged contraband (120 kgs. of poppy husk) was recovered from accused persons, namely, Gurpreet Singh and Kulwinder Singh and at the time of recovery, the petitioner was not even present at the spot. He has submitted that even in the secret information, the name of the petitioner was not mentioned, who

has been indicted as accused on the basis of the disclosure suffered by the co-accused. According to him, the petitioner is not involved in any other case, muchless of similar nature, therefore, his further custody may not be necessary as the investigation of the case is almost complete. 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 SI Gulab Singh has opposed the aforesaid prayer on the ground that the recovered contraband would fall within the ambit of commercial quantity. However, it is not disputed by him that the petitioner was made an accused on the basis of the statement made by accused Gurpreet Singh.

After hearing the learned counsel for the parties this Court is of the opinion that the investigation of the case is almost complete, but trial of the case 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 4, 2020

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE