

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-40220 of 2020
Date of Decision: December 15, 2020

Tejbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anurag Chopra, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl.A.G.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.167 dated 03.10.2019, under Sections 21, 25 and 29 N.D.P.S.Act, 1985, registered at Police Station, Gharinda, Amritsar. The petitioner is in custody since his arrest on 30.06.2020.

As per the allegations in the FIR, on 15.08.2020, when SI Balwinder Singh along with other police officials was present near Railway crossing of Village Roranwala for checking, two young men, who were on a motor-cycle bearing No.PB02-AM-6038 were signaled to stop. During checking, when they were asked what they were carrying, they replied that they were carrying heroin. On their search, 12 kgs. heroin was recovered.

Learned counsel for the petitioner contends that the recovery of the alleged contraband was made from the co-accused Gurpreet Singh and Gurpal Singh and subsequently on the basis of the disclosure statement

made by the said accused persons, the petitioner along with other persons was arraigned as an accused in the above FIR. He has pointed out that no recovery was effected from the petitioner and, therefore, his further custody may not be necessary and prays for bail.

During the course of hearing, it is not disputed by the learned State counsel, who is assisted by ASI Amarjit Singh, that the alleged contraband was recovered from accused Gurpreet Singh and Gural Singh and the petitioner was indicted as an accused on the basis of the disclosure statement. He further does not dispute this fact that the similarly situated co-accused, namely, Manjit Singh alias Rana has been granted the concession of anticipatory bail. He, on instructions, further states that no contraband was recovered from the possession of the petitioner.

Considering the above background, custody of the petitioner and the fact that the trial will take considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region. The petitioner is presently confined in judicial custody since 30.06.2020 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Amritsar.

December 15, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No