

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36003-2019 (O&M)

DATE OF DECISION: MAY 14, 2020

ALI HUSSAIN @ FAZLU KHAN @ BILU BHAI ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NARINDER S. LUCKY, ADVOCATE FOR THE PETITIONER.
MR. DHRUV DAYAL, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-10590-2020

Learned counsel for the applicant-petitioner prays for preponement of the main case which is fixed for 2.7.2020, wherein prayer for regular bail pending trial has been made. According to him, while considering the previous bail petition, i.e. CRM-M-4756-2019, it was directed on 8.4.2019 that the trial be concluded expeditiously and preferably within a period of 4 months.

Notice of the application.

Mr. Dhruv Dayal, DAG, Punjab accepts notice on behalf of the State and does not oppose the prayer made in the application.

For the reasons mentioned in the application, the date of hearing is preponed to today.

Application stands disposed off.

CRM-M-36003-2019

The petitioner has filed this second petition for grant of regular bail in case FIR No.43 dated 20.3.2017 under Section 18 of the NDPS Act, 1985 (later on added Section 29, 61 of NDPS Act, 1985), Police Station Sadar, District Patiala, pending trial. The petitioner is in custody since his arrest on 30.4.2018.

As per the prosecution case, when the police party was on patrol duty, a Silver colour Verito car bearing registration No.PB-11BB-1225 having two persons was stopped on the basis of suspicion. The persons disclosed their names as Rikramjit Singh @ Rinku S/o Tinka Ram and Jagdeep Singh S/o Hari Chand. It was suspected that those persons were carrying some intoxicant substance with them and upon search, 3kgs. of opium was recovered from their vehicle.

Learned counsel for the petitioner contends that the alleged contraband was recovered from the possession of two accused persons, namely, Rikramjit Singh and Jagdeep Singh, who were travelling in their car. It is pointed out that on the basis of the disclosure statement suffered by Rikramjit Singh, the petitioner was indicted as an accused on the ground that the said contraband was purchased by the co-accused from him. He submits that the co-accused of the petitioner have been convicted by the trial Court vide judgement dated 20.7.2018. Learned counsel has invited the attention of the Court to the order dated 8.4.2019 passed by this Court in previous petition to contend that a direction was issued to the trial Court to expedite the trial and conclude the same within a period of 4 months. He submits that

more than a year has passed and still 5 prosecution witnesses remain to be examined. He prays that the petitioner be granted the concession of regular bail, pending trial.

Mr. Dhruv Dayal, DAG, Punjab assisted by ASI Jagtar Singh has opposed the prayer on the ground that the alleged contraband falls within the ambit of commercial quantity. He has further pointed out that the petitioner is the resident of State of Madhya Pradesh and there is every possibility that he may abscond and may not stand the trial. He has further apprised the Court that the petitioner is involved in 4 other cases, though not of the similar nature, which shows his conduct. It is not disputed by him that at the time of recovery, the petitioner was not present at the spot.

At this stage, learned counsel for the petitioner submits previously the petitioner was granted the concession of interim pre-arrest bail and the said concession continued for 5 months, i.e. from 18.5.2017 to 31.10.2017, which was never misused by him. Learned State counsel does not dispute this fact.

After hearing learned counsel for the parties and considering the custody of the petitioner, this Court does not find any reason to further detain the petitioner behind the bars as the trial is likely to take considerable time to conclude, particularly 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.

Resultantly, without meaning any expression of opinion on the merits of the case, 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, concerned.

CRM-1285-2020

In view of the order passed in CRM-10590-2020, this application has been rendered infructuous.

May 14, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No