

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

Sr. No.210

CRM-M-41779-2020

Date of decision: 17.12.2020

Gurpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S. Lali, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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Case taken up through video conferencing.

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.111 dated 16.07.2020, registered under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the Act), at Police Station Barnala.

Briefly stated, the case of the prosecution is that on receipt of secret information, the police party searched the petitioner and his co-accused and found co-accused Gurdeep Singh to be possession of 305 gms of heroin and the petitioner of one electric scale which according to the prosecution was used to weigh the heroin before selling it.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; there is no recovery of any narcotics from the person of the petitioner; the only recovery from the petitioner is a weighing scale; there is no other criminal in which the petitioner is involved; the petitioner has been in custody since 17.07.2020; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; for the last about three months no effective proceedings have taken place in the petitioner's trial due to COVID-19 pandemic for which he cannot be blamed and that since the petitioner's trial is yet to start the same will take a long time to conclude as in the same there are 14 prosecution witnesses to be examined.

Learned State counsel opposes the grant of bail to the petitioner on the ground that co-accused Gurdeep Singh, who was in the company of the petitioner was found in possession of 305 gms of herion and from the petitioner a electrical weighing scale was recovered which was used to weigh the herion before selling it.

Whether the alleged recovery of narcotics from co-accused Gurdeep Singh would be considered a recovery from the petitioner would be debated during the course of trial. However, the petitioner has already been in custody since 17.07.2020; there is no other criminal in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; for the last about two months no effective proceedings have taken place in the petitioner's trial due to COVID-19 pandemic for which he cannot be blamed and that since the petitioner's trial is yet to start the same is likely to take a long time to conclude as in the same there are 14 prosecution witnesses to be examined.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Barnala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 17, 2020

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No