

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

214

CRM-M-1969-2021

Date of decision: 08.03.2021

Gurjinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.141 dated 26.08.2020 registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Guhla, Kaithal.

As per the prosecution version, the police party headed by SI Dinesh Kumar apprehended Gurcharan Singh on the basis of secret information and recovered 340 grams of opium falling in the category of non-commercial quantity. During investigation, Gurcharan Singh disclosed the name of the petitioner who used to purchase and bring opium from Punjab and other places.

The petitioner, who is in custody since 08.10.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Kishori Lal, Deputy Superintendent of Police, Guhla in the Registry of this Court

which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused Gurcharan Singh. The petitioner has nothing to do with the alleged recovery of non-commercial quantity of opium. Rigors of Section 37(1)(b) of the NDPS Act are not applicable to the case. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offences. The petitioner was also involved in one more case under the NDPS Act in which he was convicted. In view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner who has been implicated in the present case on the basis of disclosure statement of the co-accused, inapplicability of rigors of Section 37(1)(b) of the NDPS Act and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any offence under the NDPS Act after his release on bail and in case of commission of any such offence by him in future, his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

08.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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