

225-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3117 of 2021 (O&M)

Date of decision: 24.03.2021

Sandeep Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. I.S. Dhaliwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.357 dated 19.10.2020, for offence punishable under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station City Muktsar, District Sri Muktsar Sahib.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police party apprehended the co-accused of the petitioner namely Manjeet Singh and recovered 800 intoxicant tablets. Thereafter, on the basis of the disclosure statement of Manjeet Singh, the name of the petitioner was nominated in the present FIR and 70 tablets of CLOVIDOL was recovered from the present petitioner.

Counsel for the petitioner has further argued that the petitioner is in custody since 20.10.2020 and till date, challan has not been presented before the trial Court and the conclusion of the trial will

take some time.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. Counsel for the State, on instructions from ASI Jangjeet Singh, has also submitted that one more case under the NDPS Act is pending against the petitioner in which he is on bail, however, the recovery effected from the petitioner is of non-commercial quantity as per the FSL report, filed in the connected case i.e. CRM-M No.1408 of 2021, of Manjeet Singh (which stands dismissed as withdrawn vide order of even date).

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 20.10.2020; the recovery effected from the petitioner is of non-commercial quantity; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

24.03.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No