

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-3604-2021

Date of decision : 29.04.2021

Harjit Singh @ Gurmeet Singh @ Jeetu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.H.S.Multani, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.30 dated 17.03.2020, registered under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khuian Sarwar, District Fazilka.

Briefly stated, the case of the prosecution is that one Maruti Car bearing Registration No.DL-2CZ-6839 was stopped by the police; three men were travelling in the said car; Vijay Kumar was arrested at the spot whereas two other persons ran away; on checking of the car 6000 tablets of Alprazolam were recovered; Vijay Kumar disclosed the names of other two persons to be Gurbinder Singh @ Pinder Singh and Harjit Singh @ Gurmeet Singh @ Jeetu (petitioner); on the basis of such statement Gurbinder Singh @ Pinder Singh and the petitioner were nominated as accused persons in the aforesaid FIR.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 30.10.2020; there is no other criminal case in which he is involved; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; the case set up by the prosecution is highly improbable that on

stopping the car the petitioner managed to run away from the spot in the presence

of so many policemen; co-accused Parminder Singh @ Pinder Singh who had earlier approached this Court through CRM-M-15257-2020 has already been granted ad interim anticipatory bail; for the last several months no effective proceedings have taken place in the petitioner's trial and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that 6000 tablets of Alprazolam have been recovered from the illegal possession of the petitioner's co-accused.

The petitioner is in custody since 30.10.2020; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; co-accused Parminder Singh @ Pinder Singh, who is identically placed as the petitioner, has already been granted ad interim anticipatory bail by this Court and that the petitioner's trial, which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

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, Fazilka 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.

29.04.2021  
shamsher

[ DEEPAK SIBAL ]  
JUDGE

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