

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7864-2021 (O&M)

Date of Decision: 20.04.2021

Mohit @ Monty

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.347 dated 12.08.2020 registered under Sections 22, 25, 27(a) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Section 18 of Drugs and Cosmetics Act 1940 at Police Station Sadar Mansa, District Mansa, Punjab. The petitioner is in custody since his arrest on 06.01.2021.

According to the prosecution, when the Police party consisting of ASI Mewa Singh and Constable Gurpiar Singh were on patrolling and special checking at link road between Nangal Khurd and Sirsa-Mansa main road, accused Gurdeep Singh was apprehended and 64 strips of Clevidol-100 SR tablets (Tramadol) were recovered from his possession. During enquiry, Gurdeep Singh told that he bought these narcotic tablets from Rakesh Kumar (petitioner). Thereafter, Rakesh Kumar was also arrested on the same day and 310 Clevidol 100 SR tablets, 47000 more tablets of same nature and 82800 Etizolam tablets were also recovered from him

Act.

Learned counsel for the petitioner has argued that the alleged recovery of 641 tablets of 'Tramadol' was made from co-accused Gurdeep Singh, who was arrested on the spot and the petitioner was not even present at the time of recovery. He has pointed out that on the disclosure statement of Gurdeep Singh, other co-accused Rakesh Kumar was indicted as an accused and later on, on his statement, the present petitioner has been made as an accused in the present FIR. Learned counsel has produced the copy of the order dated 22.03.2021 to contend that his co-accused Rakesh Kumar has already been released on regular bail and, therefore, the present petitioner also deserves the similar concession. He prays for bail.

Learned State counsel assisted by ASI Avtar Singh, has opposed the prayer on the ground that the contraband was recovered from Gurdeep Singh and he named Rakesh Kumar from whom he purchased the contraband. He does not dispute the fact that nothing has been recovered from the possession of the petitioner. He, on instructions further states that the investigation of the case is complete, however the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that though the investigation of the case is complete, but the trial is yet to commence, therefore, it would consume considerable time to conclude. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the states of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Mansa.

The petition is allowed.

20.04.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No