

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.234

CRM-M-9747-2021

Date of decision: 19.04.2021

Manpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. H.S. Multani, Asstt. A.G., 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.111 dated 16.07.2020, registered under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS 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 in possession of 305 grams of heroin.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the case; he is in custody since 17.07.2020; he is not involved in any other criminal case; there is no recovery of any narcotics from the person of the petitioner; report under Section 173 Cr.P.C. has already been filed therefore he is not in a position to influence the investigation; due to outbreak of COVID-19 no effective proceedings in the petitioner's trial have taken place for the last several months for which he cannot be blamed; co-accused Gurdeep Singh and Jagseer Singh @ Seera, who are similarly placed as the petitioner, have been granted regular bail by this Court and that the petitioner's trial, which is yet to commence, 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 heroin.

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 case 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 several months no effective proceedings have taken place in the petitioner's trial due to COVID-19 pandemic for which neither party can be blamed; co-accused Gurpreet Singh who had filed CRM-M-41779-2020 – Gurpreet Singh vs. State of Punjab and Jagseer Singh @ Seera who had preferred CRM-M-43980-2020 – Jagseer Singh @ Seera vs. State of Punjab and who are similarly placed as the petitioner, have been granted regular bail by this Court and that the petitioner's trial which is yet to start 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.

April 19, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No