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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.8510 of 2020 (O&M)
Decided on: 06.01.2021

Neeraj Ram

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Gill, Advocate
for the petitioner.

Ms. Monika Jalota, 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.104 dated 06.08.2019, for offence punishable under Sections 15/18/22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Amloh, District Fatehgarh Sahib.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party on receiving a secret information that a truck, being driven by the petitioner – Neeraj Ram along with Jitender Kumar @ Jeetu, is coming with huge quantity of poppy husk. Thereafter, the police party stopped the said truck, which driven by the petitioner with Jitender Kumar @ Jeetu, who was the conductor of the truck, and recovered 01 Kg of opium each from both of them. The police found that the petitioner was escorting a vehicle driven by the

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co-accused Mukand Khan i.e. a Swift car and from the search of the said vehicle 110 Kgs of poppy husk and 10 Kgs of intoxicant powder was recovered.

Counsel for the petitioner has further submitted that it would be a debatable issue to be decided during the course of trial as to whether the petitioner was held to be in conscious possession of the recovery which was effected from the car as it is the case of the prosecution that 01 Kg opium each was recovered from the petitioner as the other occupant of the truck i.e. Jitender Kumar @ Jeetu.

Counsel for the petitioner has also submitted that the petitioner is not involved in any other case and he is in custody for the last 01 year and 05 months and till date even the charges have not been framed. It is thus, submitted that due to COVID-19 situation, the petitioner may be released on interim bail.

Counsel for the State has filed the affidavit of Major Singh, Assistant Sub-Inspector/Investigating Officer, Police Station Amloh, District Fatehgarh Sahib and as per the affidavit, it is not disputed that the recovery from the truck was made separately and recovery from the car was made separately though the allegations are that the petitioner along with the co-accused was escorting the Swift car from where the huge recovery was effected from the co-accused i.e. Mukand Khan.

After hearing the counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year and 05 months; he is not involved in any other case; charges are yet to be framed; the custodial interrogation of the petitioner is not required and the conclusion of the

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trial will take some time due to COVID-19 situation, this petition is partly allowed and the petitioner is directed to be released on interim bail till 31.05.2021 subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders.

(ARVIND SINGH SANGWAN)
JUDGE

06.01.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No