IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17287-2021

DATE OF DECISION: APRIL 28, 2021

TIRATH SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AVTAR S. KHINDA, ADVOCATE FOR THE PETITIONER.
MR. SAURAV KHURANA, 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.81 dated 10.4.2020, under Section 22, NDPS Act, Police Station Sadar, Kapurthala.

The FIR was registered on the statement of ASI Darbara Singh who stated that on 10.4.2020, when he alongwith other police officials was present for Nakabandi behind the Govt. Elementary School, Kot Gobindpur, two men were seen coming on foot from the side of village Kot Gobindpur. On seeing the police party, they immediately turned around and threw respective polythenes held in their hands on the berm of the road and started running away, who were apprehended on suspicion. They disclosed their identity as Kamaldeep Singh and Tirath Singh, both sons of Gurnam Singh. On being asked about the polythene they threw, they disclosed that the same contained intoxicant injections. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that as per the

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prosecution, three intoxicant injections containing Buprenorphine, two ml. each were recovered from the petitioner, which is non-commercial quantity. According to him, the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He submits that the petitioner is not involved in any other case of similar nature. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Manjit Singh has opposed the aforesaid prayer on the ground that the petitioner was arrested on spot. However, it is not disputed that the investigation of the case is complete and the challan has been presented on 21.9.2020, but the charges are yet to be framed. He, on instructions, states that the petitioner is not involved in any other case.

Considering the above background and the fact that though the challan has been presented on 21.9.2020, but the charges are yet to be framed, therefore, there does not seem any possibility of conclusion of the trial in the near future. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments 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. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody.

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

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to the satisfaction of the trial Court concerned.

The petition is allowed.

April 28, 2021 **(MANOJ BAJAJ)**
Gulati **JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

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