

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18309-2021

DATE OF DECISION: May 20, 2021

SANDIP SINGH @ LASSI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. INDERJIT SHARMA, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SANDHU, SR.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.0002 dated 01.01.2020, under Section 22 NDPS Act, 1985 and Section 25 Arms Act, registered at Police Station, Canal Colony, Bathinda, District Bathinda. The petitioner is in custody since his arrest on 01.01.2020.

As per the allegations in the FIR, on 01.01.2020, when a police party was present in Street No.1/2 Bangi Nagar, Bathinda near main road in connection with patrolling, a middle-aged woman was seen coming on foot on main road holding a polythene bag in her right hand and on seeing the police party, she started turning back. On suspicion, she was apprehended and on enquiry, she disclosed her name as Amarjit Kaur. On search of the polythene bag, 1900 tablets of Clovidol-100 SR and 720 tablets of Alprazolam were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the alleged contraband was recovered from his co-accused Amarjit Kaur, who has been released on regular bail vide order dated 1.3.2021 (Annexure P-1) passed by this Court. He submits that the petitioner was indicted as an accused subsequently on the basis of the disclosure statement of Amarjit Kaur and since the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

Learned State counsel, assisted by ASI Akshay Kumar has opposed the aforesaid prayer on the ground that the petitioner is involved in another case of similar nature, i.e. FIR No.49 dated 20.2.2020, under Section 22-61-85 NDPS Act, Police Station Sangat. In this regard, he has produced the custody certificate of the petitioner filed by way of affidavit of Rajdeep Singh Brar, PPS, Deputy Superintendent, Central Jail, Bathinda. According to him, though the final report stands filed before the Court, but the trial is yet to commence.

Considering the above background, custody of the petitioner and the fact that his co-accused is released on bail, this Court does not find any reason to decline the prayer. 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 clampdown the contagion, and it would further delay the conclusion of trial. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 1.1.2020.

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 concerned.

The petition is allowed.

May 20, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No