

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15049-2020 (O&M)
Date of decision: 31.03.2021

1. CRM-M-15049-2020 (O&M)

Deepinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-20512-2020 (O&M)

Navtej Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner (in CRM-M-15049-2020).

Mr. J.S. Sandhu, Advocate
for the petitioner (in CRM-M-20512-2020).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to petitioners Deepinder Singh and Navtej Singh, in FIR No.17 dated 16.01.2020 under Sections 21, 22, 25 (Act No.61 of 1985) of NDPS Act, registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioners submit that as per allegations in the FIR, the police, on receiving a secret information that the petitioners are involved in the business of selling prohibited intoxicant tablets and are bringing the same in a car for selling at Barnala, laid a naka and apprehended the petitioners. After verifying their identity, a notice under Section 50 of NDPS Act was given to them and thereafter, recovery of 45 vials of Wincirex and 40 strips of Karisoma tablets, total 400 tablets, was effected in the presence of a Gazetted Officer. It is further submitted that the car was driven by petitioner Deepinder and petitioner Navtej Singh was sitting on the co-passenger seat. It is also submitted that though the recovery is commercial in nature, however, both the petitioners are not involved in any other case and they are in custody for the last more than 01 year and 02 months and out of total 15 prosecution witnesses, none has been examined so far and the trial has substantially delayed due to COVID-19 situation in the country.

Learned State counsel has filed the custody certificates of both the petitioners in the Court today and as per these custody certificates, both the petitioners are in custody for the last more than 01 year and 02 months and are not involved in any other case. Learned State counsel has not disputed the fact that till date, no prosecution witness has been examined.

After hearing learned counsel for the parties, without commenting

anything on merits of the case and considering the fact that though the working in the District Courts has started, however, priority is given to old cases and also in view of the fact that both the petitioners are not involved in any other case and no PW has been examined, therefore, no purpose will be served in keeping them in judicial custody, both these petitions are allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

It will be open for the prosecution to apply for cancellation of bail in case subsequently the petitioners are found involved in any FIR under NDPS Act.

[ARVIND SINGH SANGWAN]
JUDGE

31.03.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No