

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.19941 of 2021
Date of Decision: May 28, 2021

Sehber Singh @ Shambar Singh @ Vijay

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Brijeshwar Singh Bhalla, 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.100 dated 21.07.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Badhni Kalan, District Moga. The petitioner is in custody since his arrest on 21.07.2019.

As per the FIR, on 21.07.2019, 190 tablets of Alprazolam were recovered from accused Sukhchain Singh and 1100 intoxicating tablets of Alprazolam were recovered from accused Sehber Singh without any permit or licence.

Learned counsel for the petitioner contends that the petitioner and his co-accused, namely, Sukhchain Singh were arrested on 21.07.2019 for having in their possession 1100 and 190 tablets of Alprazolam,

respectively. Learned counsel has invited the attention of the court to the order dated 10.10.2019, whereby his co-accused has been released on regular bail by the trial court. According to him, the petitioner is in custody for the last approximately two years, but the trial is likely to consume some more time to conclude. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Gurdev Singh, on the ground that the recovery effected from the petitioner would fall within the ambit of commercial quantity, whereas his co-accused was carrying lesser quantity and, therefore, he cannot derive the benefit of the said order. He, on instructions, further states that only one witness has been examined so far out of total eleven prosecution witnesses. Reference is made to the custody certificate of the petitioner filed by way of Harpreet Singh, PPS, Deputy Superintendent (M), Central Prison, Faridkot to contend that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that though the trial has commenced, but is at the initial stage with no possibility of its completion in near future as still ten prosecution witnesses remain to be examined. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the 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, his further detention behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 21.07.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Moga.

May 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No