

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.18578 of 2020
Date of Decision: January 06, 2021

Vicky

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Randeep Singh Khaira, AAG, 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.31 dated 19.03.2020, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Khuian Sarwar, District Fazilka. The petitioner is in custody since his arrest on 19.03.2020.

As per the allegations in the FIR, on 19.03.2020, when the police party was present at Naka Gumjal for patrolling, one youth was seen coming from the side of Ganga Nagar, who was holding a plastic bag in his hand. He was apprehended on the basis of suspicion and on search, 1100 intoxicating tablets were recovered from the plastic bag held by him.

Learned counsel for the petitioner contends that though the investigation of the case is complete as the challan was filed on 31.08.2020, but till date, charges have not been framed and, therefore, the trial is yet to commence. According o him, the petitioner is not involved in any other case

of similar nature, therefore, considering his custodial period, he be released on bail as the trial is likely to take some time to conclude.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Birbal Singh, on the ground that the recovered contraband would fall within the category of commercial quantity. He, on instructions, submits that the charges are yet to be framed against the petitioner. He has produced the custody certificate of the petitioner to contend that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the trial is yet to start and as the petitioner is not involved in any other case, therefore, considering his period of custody, this Court does not find any reason to decline the prayer, particularly when the prosecution witnesses are the police officials and there is no possibility of their being won over. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial, therefore, the further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

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/Duty Magistrate, Fazilka.

January 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No