

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21852-2021

DATE OF DECISION: JUNE 8, 2021

MAHINDER RAM

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. L.S. SEKHON, 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.160 dated 22.8.2019, under Section 22 and 29 NDPS Act, Police Station Dirba, District Sangrur. The petitioner is in custody since his arrest on 22.8.2019.

As per the allegations made in the FIR, on 22.8.2019, when ASI Surinder Singh of CIA Staff alongwith other police officials was on patrol duty at Sullar Gharat at around 3.45 p.m., two persons were seen coming on a motorcycle bearing registration No.PB13U 5410 from the side of village Sullar. On seeing the police party, they got perplexed and while trying to take a U-turn, a black coloured bag from the motorcycle fell on the roadside. On suspicion, the persons were apprehended and on enquiry, the person driving the motorcycle disclosed his name as Mahinder Ram son of Puran Ram and the pillion rider as Parkash Singh son of Gurnam Singh. The black coloured plastic bag fallen from the motorcycle was checked and Clovidol-100 SR and Alphasafe-22mg and other intoxicating tablets were recovered.

On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the alleged contraband, i.e. 720 intoxicant tablets containing 292 gms. of Tramadol was recovered by the police from a bag allegedly thrown by one of two persons riding on motorcycle. He submits that though according to the prosecution, the petitioner was driving the motorcycle, however, as the FSL was report was not filed, therefore, the concession of interim regular bail was extended to the petitioner on 30.9.2019. It is pointed out that upon submission of the said report, the petitioner was taken in custody on 15.2.2021. He further submits that neither the said concession was misused by the petitioner nor he is involved in any other case of similar nature, therefore, his further custody may not be necessary. 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 Ravel Singh has opposed the aforesaid prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He, on instructions, further submits that challan has been presented on 16.7.2020, however, the charges have not been framed. However, it is not disputed that the petitioner is not involved in any other case of similar nature.

Considering the above background and custody of the petitioner, this Court is of the opinion that the challan has been presented, however, the charges are yet to be framed. 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. Admittedly, the petitioner is not involved in any other case of similar nature. 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 after his arrest on 22.8.2019.

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.

June 8, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No