

CRM-M-20177-2020 (O&M)
Date of Decision: 25.02.2021

VIPAN SOOD

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

Ms. Shweta Nahata, Advocate,
for applicant/ respondent No.2-NCB.**DEEPAK SIBAL, J. (ORAL)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in Crime No.32 dated 29.06.2019 under Sections 8, 20 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short, 'the NDPS Act'), registered with NCB Zonal Unit, Chandigarh, arising out of FIR No.32 dated 29.06.2019, under Sections 8, 20 and 29 of NDPS Act at Police Station Salem Tabri, District Ludhiana.

Narcotics Control Bureau (for short, 'the Bureau') received information that co-accused-Madan Lal was bringing charas from the State of Jammu and Kashmir to deliver the same to the petitioner in Ludhiana and that such delivery was to be made on 29.06.2019 at 12.00 hours near Jalandhar Bye Pass, Ludhiana. Acting on such information, a Surveillance Team was constituted which found that at the aforesaid place a person in green T-shirt handed over a bag pack to another person wearing a black T-shirt. On being questioned, the person in the green T-shirt identified himself

as Madan Lal and the person in the black T-shirt disclosed his name to be Vipin Sood-the petitioner. The bag pack which was handed over by Madan Lal to the petitioner revealed 3.8 Kgs. charas and on such basis both Madan Lal and the petitioner are being prosecuted.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the petitioner has no other case pending against him under the NDPS Act; the petitioner has been in custody for the last over 1 year 7 months; co-accused-Madan Lal who had earlier approached this Court through CRM-M-26256-2020 has been granted regular bail on 15.10.2020; the report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin will take a long time to conclude.

Learned counsel for respondent No.2-Bureau opposes the grant of bail to the petitioner on the ground that the petitioner is involved in another case for fraud/forgery/Excise Act and if released on bail, he may indulge in similar offences.

The petitioner is in custody for the last over 1 year 7 months; there is no other case pending against the petitioner under the NDPS Act; co-accused-Madan Lal has already been granted regular bail by this Court; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

25.02.2021
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No