

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-21013-2020 (O&M)
DATE OF DECISION: 30.07.2021

THAKUR SINGH

... Petitioner(s)

Versus

UNION OF INDIA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. A.D.S. Sukhija, Advocate for the petitioner.

Mr. Rajiv Sharma, Senior panel counsel for NCB.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in complaint case bearing Crime No.24/2019 dated 14.05.2019, under Sections 8, 18, 29 & 60 of the NDPS Act, 1985, registered at Police Station NCB, Chandigarh.

Learned counsel for the petitioner contends that it is alleged that on secret information on 14.05.2019, two persons, namely, Dinesh Kumar and Ram Niwas, who were travelling in a car, were intercepted on the Panchkula Kalka Highway and 19.800 kgs. opium is alleged to have been recovered from them. Panchnama was prepared wherein Dinesh Kumar and Ram Niwas disclosed that opium was to be delivered to some *baba* in Pinjore. However, on that very day, when the accused were taken to the NCB office and their statements under Section 67 of the NDPS Act were recorded, they are alleged to have stated that parts of the consignment were to be delivered to co-accused, namely, Amarjit, Mohinder and to Manga of Pehowa. The petitioner was arraigned as an accused on the statement of Dinesh Kumar and Ram Niwas that they also use to sell opium to the petitioner and his brother Manga. The petitioner is in custody for almost 2 years since his arrest on 30.09.2019. No recovery has been effected from the petitioner in the instant case. The petitioner was arrested in another case wherein recovery of 500 grams of opium was effected from him and the co-accused. In that case, the petitioner has been granted regular bail by the coordinate Bench of this Court in CRM-M-

16708-2020 (Annexure P-6) on 20.07.2020. He also contends that due to Covid-19 pandemic, the trial has come to a standstill.

On the contrary, learned counsel for the respondent-NCB states that the petitioner is a habitual offender and is also involved in another case under the NDPS Act. The petitioner was in regular touch with the co-accused and there are call details and messages to this effect. He further contends that 5 out of 27 prosecution witnesses have been examined and the next date for examination of prosecution witnesses is 07.09.2021.

Heard.

In view of the above, especially when no recovery has been effected from the petitioner in the instant case, he is in custody for over 1 year and 10 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

30.07.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No