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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22505-2020

Date of Decision: 22.01.2021

Jagdish Singh @ Disha

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Harbir Sandhu, 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.149 dated 12.08.2019 registered under Sections 21, 22 and 25 NDPS Act, 1985 at Police Station Dakha Sardar, District Ludhiana (Rural). The petitioner is in custody since his arrest on 12.08.2019.

The FIR in the present case was registered on the basis of secret information that accused Manjit Kaur, Resham Singh and Jagdish Singh (petitioner) are residing in rented accommodation at Lakhpat Rai Da Makan, Chaudharian Wali Gali, Ward No.9, Old Mandi Mullanpur and are engaged in selling intoxicant substances. According to information, if a raid is conducted at the house of above persons, then they can be apprehended with heavy quantity of heroin and intoxicant medicines. On the basis of the said information, raid was conducted and the above said accused were apprehended with 100 grams of heroin and 750 intoxicant tablets containing

the salt Tramadol.

Learned counsel for the petitioner has argued that recovery of 100 grams of heroin and 750 intoxicant tablets was allegedly made from a car, which was being driven by co-accused Resham Singh and the petitioner was travelling with him and was occupying the rear seat. He has contended that the vehicle belongs to one Malkiat Singh. He has further contended that another co-accused, namely, Manjit Kaur was sitting on the front passenger seat and had tried to run away when the vehicle was stopped by the police. According to him, the contraband was found lying beneath the driver seat and, therefore, it would be debatable if the said contraband was in conscious possession of the petitioner. According to him, the trial is not making any headway, as no prosecution witness has been examined so far and, therefore, the further custody of the petitioner may not be necessary, who is not involved in any other case of similar nature.

On the other hand, learned State counsel assisted by ASI Darshan Singh, has opposed the prayer on the ground that the recovered contraband falls in commercial quantity. He, on instructions, states that there are, in all 13 prosecution witnesses, but none has been examined so far. He has produced the custody certificate of the petitioner by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana, which indicates that he is not involved in similar case under the NDPS Act.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, but the trial is yet to commence, therefore, considering the custody period of the petitioner, 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, 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/Duty Magistrate Ludhiana.

The petition is allowed.

22.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No