

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24164-2020

Date of Decision: 05.03.2021

Vikram Singh @ Vicky

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amaninder Preet, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, 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.119 dated 18.07.2019 registered under Sections 22 and 25 NDPS Act (Section 29 NDPS Act added later on) at Police Station Barnala, District Barnala. The petitioner is in custody since his arrest on 19.07.2019.

The FIR was registered on the basis of a secret information and the allegations noticed by the Addl. Sessions Judge, Barnala in the order dated 18.06.2020, while declining the bail application of petitioner, read as under:

“Instant case was registered against accused Vikram Singh @ Vicky (applicant) and Gurpreet Singh (non-applicant) on the basis of secret information received by Inspector Baljeet Singh on 18.07.2019. On the same day recovery of 330 strips, each strip containing ten tablets of intoxicant tablets of CLOVIDOL-100 SR was effected from both the aforesaid accused by Sub Inspector Kuldeep Singh in the presence of Deputy Superintendent of Police Sh. Ramminder Singh.”

Learned counsel for the petitioner contends that the co-accused of the petitioner, namely, Gurpreet Singh has already been released on regular bail vide order dated 14.09.2020 and, therefore, the petitioner also

deserves the concession of regular bail. It is pointed out that the charges in the case were framed on 28.02.2020, but no prosecution witness has been examined so far and except for the present case, no other case of similar nature is pending against the petitioner. He prays for bail.

Learned State counsel assisted by ASI Sarabjit Singh, has opposed the prayer on the ground that the recovered contraband would fall within the ambit of commercial quantity and according to him, the case of the petitioner is distinguishable from his co-accused, as the bag containing the contraband was held by the petitioner being a pillion rider on a two wheeler being driven by his co-accused. However, it is not disputed by him that out of total 15 witnesses, no one has been examined so far.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and the pace at which the trial is progressing, this Court finds that 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 19.07.2019. The material prosecution witnesses are police officers and there does not seem any possibility of their being won over.

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 Barnala.

The petition is allowed.

05.03.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No