

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 212

CRM-M-25761-2020
Date of decision : 10.02.2021

Manjit Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Manpreet Ghuman, Advocate, for the petitioner.

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

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.101 dated 29.06.2020, registered under Sections 22/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act) (Section 29 of the NDPS Act added later on) at Police Station Barnala, district Barnala.

Briefly stated, the case of the prosecution is that the police received a secret information that Jatinder Singh, Gursewak Singh and Parvinder Singh were dealing in drugs and were transporting a consignment in a Hyundai Verna car bearing registration No.HR-51AK-8494. Accordingly, a naka was laid and from the possession of the aforesaid three accused 2 lakh intoxicant tablets containing tramadol hydrochloride were recovered. During the course of investigation, co-accused Jatinder Singh disclosed that one Parvinder Singh was also involved on the basis whereof Parvinder Singh was nominated as an accused and arrested. During the course of further investigation co-accused Parvinder Singh disclosed that the petitioner was also a member of the gang and on such basis the petitioner's house was raided which yielded recovery of drug money @ Rs.30,000/- leading to his arrest.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; there is no recovery of any narcotics from him;

Rs.30,000/- which was recovered from the petitioner's house was the amount which he

has taken as a loan; there is no evidence against the petitioner except a disclosure statement of co-accused in policy custody which has no evidentiary value; the petitioner is not involved in any other criminal case; he has been in custody for the last nearly seven months; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that huge quantity of drugs has been recovered from the co-accused and that drug money amounting to Rs.30,000/- was recovered from the petitioner's house.

Whether the recovery of narcotics from the co-accused could be considered recovery from the petitioner's person and the evidentiary value of the evidence against the petitioner as also the defence set up by him with regard to the money recovered from his house shall be debated during the course of the trial. However, the petitioner has already been in custody for the last nearly seven months; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that his trial, which is yet to commence, 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, Barnala 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.

10.02.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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