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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32057-2020

Date of Decision: 27.01.2021

Jagdeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.179 dated 23.07.2019 registered under Section 22 NDPS Act, 1985 at Police Station City Moga, District Moga, Punjab. The petitioner is in custody since his arrest on 23.07.2019.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Id. Judge Special Court, Moga in the order dated 01.10.2019 are as under:

“As per prosecution allegations, accused-applicant was found in possession of 950 tablets of Prozolam-0.5 on 23.07.2019. The report of Forensic Science Laboratory shows that salt Alprazolam has been found in the said tablets and total weight of said tablets comes around 140 grams.”

Learned counsel for the petitioner contends that though there are two other cases registered against the petitioner, but in those cases, the recovery was effected from his co-accused and the petitioner was indicted subsequently on their statement. He submits that in the present case, the

trial is not making any headway, as the charges were framed in November, 2019, but no witness has been examined so far. He submits that the further custody of the petitioner may not be necessary and prays for bail.

On the other hand, learned state counsel, on instructions from ASI Surjit Singh, does not dispute this fact that no prosecution witness has been examined so far, however the prayer is opposed on the ground that the recovered contraband would falls within the ambit of commercial quantity.

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 Moga.

The petition is allowed.

27.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No