

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-18435-2021 in/and
CRM-M-32148-2020
Date of decision: 15.07.2021

Gurjeet Singh

....Petitioner

versus

Narcotic Control Bureau Chandigarh Zonal Unit

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Sanjay Vashisth, Sr. Panel Counsel of UOI
for the respondent-NCB.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Gurjeet Singh, stated to be aged 29 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in Crime No.12/2019 dated 02.03.2019, registered under Sections 8/15/18/25/29/60 of NDPS Act, at Police Station NCB, Chandigarh.

Records of the case show that vide order dated 15.10.2020, this Court had issued notice of motion. On 05.03.2021, this Court had ordered that *zimni* orders passed by the Courts below, be placed on record. On 30.04.2021, directions were given to examine and apprise the Court as to if there is any incriminating evidence.

CRM-18435-2021, has been filed by the petitioner *inter alia* with

the prayer to prepone the date of hearing in the main case. In the said application, it has been inter alia contended that the petitioner is not involved in any other case of involving alleged offence as in the present case. In para 4 of the application, it has been contended that the trial is likely to take some time as there are 25 witnesses which are to be examined. It is contended that the petitioner has been in custody for more than two years.

Notice of the application.

Mr. Sanjay Vashisth, Sr. Panel Counsel for UOI, accepts notice on behalf of the respondent/NCB.

For the reasons mentioned in the application, the same is allowed. Date of hearing in the main case is preponed from 24.08.2021 to today i.e. 15.07.2021 and the same is taken up on board today itself.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that co-accused namely Bahadar Ali and Irfan Mohammad, have already been allowed bail by this Court vide order dated 20.08.2020, passed in CRM-M-13663-2020.

Learned counsel for the respondent, based on the custody certificate dated 15.07.2021, submits that the petitioner has undergone 02 years, 04 months & 08 days of custody. He submits that it is not denied that he is not involved in any other case. Counsel further submits that 495.200 kg of poppy husk and 2 kg 650 gram opium was recovered from the truck. Therefore he submits that the said quantity is commercial in nature and the petitioner is not entitled for consideration of bail at this stage.

Faced with the situation, learned counsel for the petitioner submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

The zimni orders on record, would show that on 23.02.2021, two prosecution witnesses were examined. Thereafter, the prosecution witnesses which were to be examined on 04.03.2021, were not present on the said date. There are 65 documents and more than 20 witnesses are yet to be examined. It is thus evident that trial is likely to take some time.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

15.07.2021

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No