

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.218

CRM-M-34651-2020 (O&M)

Date of decision: 17.02.2021

Amandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG,Punjab.

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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.32 dated 01.03.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kharar, District SAS Nagar, Punjab.

The case of the prosecution is that on 01.03.2020, co-accused Harpreet Singh was apprehended while driving a car from the boot of which 475 strips of Lomotil (each containing 60 tablets) were recovered. During investigation, Harpreet Singh disclosed that he used to sell tablets alongwith the petitioner and on such basis, the petitioner was also nominated as an accused and arrested.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 16.08.2020; there is no other criminal case in which the petitioner is involved; there is no evidence with the prosecution against the petitioner except the disclosure statement of co-accused Harpreet Singh allegedly made by him in police custody which has no evidentiary value; no recovery of any narcotics has been affected from the petitioner; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and the

petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that co-accused Harpreet Singh was apprehended with 28,000 Lomotil tablets who after arrest had stated that he used to sell the tablets alongwith the petitioner.

The petitioner was not apprehended from the spot; he has been in custody since 16.08.2020; there is no other criminal case in which he is involved; no recovery of any narcotics has been affected from the petitioner; the petitioner has been arrayed as an accused only on the basis of disclosure statement made by co-accused Harpreet Singh in police custody; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, 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, SAS Nagar, Mohali, 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.

(DEEPAK SIBAL)
JUDGE

February 17, 2021
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No