

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.34660 of 2020
Date of Decision: January 11, 2021

Lali Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Digvijay Nagpal, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, 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.178 dated 23.07.2020, under Sections 22, 29, 61, 85 N.D.P.S.Act, 1985, registered at Police Station, Lehra, District Sangrur. The petitioner is in custody since his arrest on 23.07.2020.

As per the allegations in the FIR, on 23.07.2020, when the police party was present at main road Patran Lehra in the area of Village Khande Baad for patrolling and checking of suspicious persons, a secret informer gave the information that Bahadur Singh is engaged in selling intoxicant tablets and would be going towards Village Khai from his village on foot to sell tablets, who had given a packet of intoxicant tablets to Lali Singh. On the basis of this information, the accused were apprehended and

14500 intoxicating tablets were recovered from accused Bahadur Singh and 500 tablets from Lali Singh.

Learned counsel for the petitioner contends that as per prosecution, 500 intoxicating tablets were recovered from the possession of the petitioner and the said quantity is non-commercial in nature. According to him, the petitioner is not involved in any other case of similar nature and, therefore, his further custody may not be necessary as the investigation is almost complete. He prays that the petitioner be released on bail, during the pendency of the trial.

On the other hand, learned State counsel, on instructions from SI Gurcharan Singh, does not dispute this fact that the investigation is complete. He submits that the recovery was effected pursuant to the secret information and 500 tablets were found in possession of the petitioner. He has produced the custody certificate of the petitioner to contend that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the trial is yet to start and as the petitioner is not involved in any other case, therefore, considering his period of custody, 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, the petition is allowed and it is ordered that the petitioner

be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

January 11, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No