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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37622-2020

Date of Decision: 12.01.2021

Happy Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aminder Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, 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.85 dated 21.08.2020 registered under Section 22 NDPS Act, 1985 (Section 29 NDPS Act added later on) at Police Station Rureke Kalan, District Barnala. The petitioner is in custody since his arrest on 07.09.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Barnala in the order dated 06.10.2020 are as under:

“As per the prosecution version, on 21.08.2020, a police party headed by ASI Jaswinder Singh had received secret information that Pargat Singh accused/non-applicant is habitual of selling intoxicant tablets by bringing the same from outside and today also he is in the opportunity of selling the same in the area of village Pakho Kalan on the motor-cycle bearing no. PB-07AQ-3467 and if naka is laid and he could be apprehended. On the basis of this secret information this case has been registered. Then naka was laid and accused/non-applicant Pargat Singh was apprehended and from his possession 175 strips of intoxicant tablets, each strip of 10 tablets, of TRAMADOL CLOVIDOL

100-SR, total 1750 tablets were recovered. During the interrogation of accused/nonapplicant Pargat Singh, name of accused/applicant Happy Singh came to be as the source of supplying the contraband and he was nominated as accused and offence under section 29 of the Act was added. Accused/applicant was arrested on 07.9.2020. That during interrogation he has disclosed that he used to supply intoxicant tablets to Pargat Singh. Then as per disclosure statement suffered by him at his instance from his possession 40 strips of intoxicant tablets, each strip of 10 tablets, of CLOVIDOL 100-SR, total 400 tablets were recovered on 10.09.2020.”

Learned counsel for the petitioner contends that the recovered contraband (400 tablets) would fall in non-commercial quantity and as the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary. He prays that as the petitioner is not involved in any other case, much less of the similar nature, therefore, he be released on regular bail.

On the other hand, learned State counsel assisted by SI Manish Kumar, has opposed the prayer and submitted that on the statement of co-accused-Pargat Singh, 400 tablets were recovered from the possession of the petitioner. He submits that the investigation is almost complete and the final report is likely to be filed soon. He has further produced the custody certificate of the petitioner, which indicates 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 investigation of the case is almost complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 07.09.2020, therefore, his further detention may not

be necessary for any useful purpose.

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 Barnala.

The petition is allowed.

12.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No