

CRM-31097-2020 in/and
CRM-M-40434-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-31097-2020 in/and
CRM-M-40434-2020
Date of Decision: 04.01.2021

Anmol Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-31097-2020

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today itself.

CRM-M-40434-2020

Petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.0017 dated 09.03.2019, under Section 22 of NDPS Act, 1985 registered at Police Station City Balachaur, District SBS Nagar. The petitioner is in custody since his arrest on 09.03.2019.

As per FIR, on 09.3.2019, the police party was present at “T” point Siyana Garshankar road in connection with patrolling duty, they stopped three young boys riding on a motor-cycle bearing registration No.PB-20A-9710, on the basis of suspicion. The driver of the motor-cycle disclosed his name as Jujhar Singh, second person sitting behind him told his name as Anmol Singh (petitioner) and the third one disclosed his name as Manpreet Singh. On search, 20 injections of Buprenorphine 2ml each and 20 vials of Avil 10 ml each were recovered from Jujhar Singh and Anmol Singh (petitioner), whereas 18 injections of Buprenorphine 2ml each and 10 vials of Avil 10 ml each were recovered from Manpreet Singh.

Learned counsel for the petitioner contends that the other two co-accused, who were arrested along with the petitioner have been released on bail vide orders dated 28.11.2019 and 30.10.2020, (Annexures P-4 and P-5) respectively and, therefore, the petitioner also deserves the concession of regular bail, as he is similarly situated and is not involved in any other case. Learned counsel has further pointed out that the charges were framed by the trial Court on 30.10.2019 and only one prosecution witness has been examined so far out of total 14 witnesses. He prays that the petitioner be released on bail.

On the other hand, learned State counsel assisted by ASI Amarjit Singh, has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He, on instructions further states that only one prosecution witness has been examined so far and the case is now fixed for 16.02.2021 before the trial Court for recording the prosecution witnesses. He has produced the custody certificate of the petitioner filed by way of affidavit of Satnam Singh, PPS,

Deputy Superintendent, Central Prison, Ludhiana, which indicates that the petitioner is in custody for the last approximately one year and ten months and he is not involved in any other case.

Considering the above background, custody of the petitioner and the fact that the co-accused of the petitioner have been released on bail, this Court does not find any reason to further detain the petitioner behind the bars, as the trial is likely to consume considerable 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.

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 Shaheed Bhagat Singh Nagar.

The petition is allowed.

04.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No