

CRM-M-41290-2020
Date of Decision:10.03.2021

Sumandeep Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGAPresent: - Mr. P.S. Dhaliwal, Advocate,
for the petitioner.

Ms. Maloo Chahal, DAG Punjab.

ARUN MONGA, J. (ORAL)

1. This is second foray of petitioner before this court, seeking regular bail in FIR No. 102 dated 30.06.2020, registered under Sections 22, 25 and 29 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Barnala, having got the earlier petition dismissed as withdrawn on 03.09.2020.

2. Per prosecution, on 30.06.2020, a police party while on routine patrol received a secret information that one Ranjit Singh son of Gurdayal Singh indulges in selling intoxicants/tablets in nearby villages by touring on his vehicle bearing registration No. PB19R-1817. The said secret information was reduced into writing and sent to the police station for registration of case. Ranjit Singh was arrested with 1,500 intoxicant tablets. He disclosed that the same were supplied to him by Gursewak Singh and Sumandeep Singh (petitioner herein). On 04.07.2020, pursuant to another secret information about presence of accused Gursewak Singh and Sumandeep Singh, a raid was conducted. During search, the police party

noticed two persons who were shifting some material from the dickey of the scooter into a polythene. On seeing the police party, both of them tried to flee from the spot, but were overpowered. They disclosed their names as Gursewak Singh @ Gora and Sumandeep Singh @ Suman (petitioner). The petitioner threw away the material contained in the polythene bag. On checking it was found that 150 tablets of intoxicant tablets named Clovidol 100 SR were thrown away by petitioner. From the scooter, 1350 more tablets of same salt and brand were recovered. Petitioner and co-accused were both arrested. Since then the petitioner is in custody.

3. Learned counsel for petitioner argues that petitioner was not named in the FIR and he has been falsely implicated in the case. It is further submitted that the alleged recovery was not made from the conscious possession of the petitioner. The same were recovered from the ground. According to him, there has been violation of provisions of Sections 42 and 50 of the NDPS Act. He further submits that the petitioner is not the owner of the scooter in question nor has he got any relation either with Ranjit Singh or Gursewak Singh, the co-accused.

4. On antecedents of the petitioner, learned counsel submits that the petitioner is having clean record. Except the case in hand, the petitioner is not involved in any other case. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more.

5. Per contra, learned State counsel opposes the bail plea. According to him, the petitioner and his co-accused were found in possession of intoxicant tablets. There is every apprehension that he might again indulge in similar offence, if released on bail. On a query of Court, learned State counsel, on instructions of SI Rajpal Kaur, admits that petitioner is not involved in any other case.

6. I have heard the rival contentions of the respective learned counsels.

7. The contentions of learned counsel for petitioner, as noted aforesaid, may have substance but same can only be adjudged at the trial. The plea of conscious possession has also to be adjudicated at the trial. The petitioner is in custody since 04.07.2020. He is not involved in any other case. Investigation is already over, charges have been framed and the case before the trial court is now fixed for prosecution evidence. The trial is not likely to conclude anytime soon in view of the situation that has arisen due to pandemic.

8. All the prosecution witnesses are police officials. There thus seems no apprehension that petitioner would influence or pressurize the witnesses.

9. Considering the overall scenario, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

11. It is, however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

10.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No