

**CRM-15817-2021 in/and
CRM-M-42401-2020 (O & M)**

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

**CRM-15817-2021 in/and
CRM-M-42401-2020 (O & M)
Date of decision: 09.07.2021**

Jatinder Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ishan Gupta, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-18350-2020

Allowed as prayed for. Annexure P-6 is taken on record,
subject to all just exceptions.

CRM-15817-2021

This is an application under Section 482 Cr.P.C. for an early
hearing of the main petition, which is fixed for hearing on 09.09.2021.

Notice in the application.

On the asking of this Court, Mr. H.S.Sitta, AAG, Punjab,
accepts notice on behalf of the respondent-State, and submits that he has no
objection, if the present application is allowed.

In view of the above, the present application is allowed and

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hearing in the main petition is preponed from 09.09.2021 to that of today and taken on Board.

CRM-M-42401-2020

Through this petition, the petitioner seeks regular bail in case bearing FIR No.04 dated 23.01.2020, registered at Police Station Division No.1, District Jalandhar, under Sections 15 and 29 (added subsequently) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner contends that no recovery was effected from the petitioner. Initially, he was falsely implicated in FIR No.151 dated 31.05.2020, registered at Police Station Bhawanigarh, District Sangrur, under Sections 15 and 29 NDPS Act. Because of his false implication in the said FIR, he approached this Court vide CRM-M-22774-2020, seeking entrustment of the investigation to an independent agency like the CBI. In that petition, vide order dated 09.12.2020, the trial Court was directed to adjourn the matter to a date beyond the date fixed therein till the next date of hearing and further vide order dated 05.03.2021, SSP, Sangrur, was directed to file his affidavit as to why the cameras in the police station were not working at the relevant time, even if there had been a power failure. Because of the said grudge, the police has falsely implicated the petitioner in the present case on the basis of a confessional statement of the co-accused. Challan has been presented and the petitioner has been in custody since 24.08.2020.

On the other hand, learned State counsel opposes the prayer made in the present petition and submits that in the present case, co-accused, Ramtej Singh made a confessional statement that 02 quintal 50 kg

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and 730 gram of poppy husk, allegedly recovered from him, was to be delivered to the petitioner and co-accused. However, he does not dispute the factum of passing of the orders passed in CRM-M-22774-2020, as noticed above. He also submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner was indicted in the present case when he was in custody in some other case. Challan stands presented, but the charges are yet to be framed. The petitioner has been in custody since 24.08.2020. Trial of the case would take time to conclude, especially due to Covid-19. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

09.07.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No