

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 219

CRM-M-43980-2020 (O&M)

Date of decision : 21.01.2021

Jagseer Singh @ Seera

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Hitesh Verma, Advocate, for the petitioner.
 Mr.Balbir Singh Sewak, Addl.A.G., Punjab.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.111 dated 16.07.2020, registered under Sections 21/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) at Police Station Barnala, district Barnala.

Briefly stated, the case of the prosecution is that on receipt of a secret information, the police party searched the petitioner and his co-accused and found co-accused Gurdeep Singh to be in possession of 305 grams of heroin.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 16.07.2020; he is not involved in any other case under the NDPS Act; there is no recovery of any narcotics from the person of the petitioner; report under Section 173 Cr.P.C. has already been filed therefore he is not in a position to influence the investigation; due to outbreak of COVID-19 no effective proceedings in his trial have taken place for the last about four months for which the he cannot be blamed; co-accused Gurpreet Singh, who had earlier approached this Court through CRM-M-41779-2020, has been granted regular bail and that the petitioner's trial, which is yet to commence, will take a long time to conclude as in the same there are 14 prosecution witnesses to be examined.

Learned State counsel opposes the grant of bail to the petitioner on the ground co-accused Gurdeep Singh, who was in the petitioner's company, was found in illegal possession of 305 grams of heroin.

Whether the alleged recovery of narcotics from the petitioner's co-accused would be considered recovery from the petitioner would be debated during the course of the trial. However, the petitioner has already been in custody since 16.07.2020; he is not involved in any other case under the NDPS Act; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation; due to outbreak of COVID-19 no effective proceedings in his trial have taken place for the last about four months, for which the he cannot be blamed; co-accused Gurpreet Singh has already been granted regular bail by this Court and since the petitioner's trial, which is yet to commence, will take a long time to conclude as in the same there are 14 prosecution witnesses.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Barnala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

21.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No