

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.50697 of 2019

Date of Decision: January 18, 2021

Sohan Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Fariad Singh Virk, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, 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.78 dated 27.06.2019, under Section 18 N.D.P.S.Act, 1985, registered at Police Station, Shambu, District Patiala. The petitioner is in custody since his arrest on 27.06.2019.

As per the allegations in the FIR, on 27.06.2019, when the police party was present at T-point from main Ambala Highway to Rajpura T-Point Village Daharian for patrolling, at about 9.30 p.m., a young man was seen coming, who on seeing the police party, tried to escape. He was apprehended and on enquiry, he disclosed his name as Sohan Pal. On checking of the bag held by him, 2 kgs. 600 grams opium was recovered.

Learned counsel for the petitioner has argued that the alleged quantity of opium recovered from the petitioner is marginally above the non-commercial quantity. He has contended that the petitioner is in custody for more than a year and the trial is likely to consume considerable time to conclude and, therefore, his further custody may not be necessary,

particularly when he is not involved in any other case of similar nature. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Bhan Singh, on the ground that the recovered contraband would fall within the ambit of commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Inderjeet Singh Kahlon, PPS, Deputy Superintendent of Central Prison, Patiala, which indicates that he is not involved in any other case of similar nature. He, on instructions, further states that out of total eleven prosecution witnesses, three witnesses have been examined so far.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court does not find any reason to decline the prayer, particularly when the prosecution witnesses are the police officials and there is no possibility of their being won over. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial, therefore, the further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

January 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No