

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-53880-2019 (O&M)

Date of decision : 09.03.2021

Simranjit Singh @ Rinku

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Inder Pal Singh, Advocate, for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

DEEPAK SIBAL, J. (Oral)

The matter has been 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.277 dated 07.12.2018, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) at Police Station Kotwali Kapurthala, district Kapurthala.

The petitioner is being prosecuted by the State for having been found in illegal possession of 260 grams of heroin.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody since 07.12.2018; there is no other case under the NDPS Act against him; he is medically unwell and is continuously vomiting blood and has acute stomach pain; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the petitioner's trial in which 12 prosecution witnesses still remain to be examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 260 grams of heroin and if released on bail he may indulge in similar offences.

The petitioner has already been in custody for the last over 2 years and 3 months; 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 and the petitioner's trial in which 12 prosecution witnesses still remain to be examined, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

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, Kapurthala 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.

09.03.2021

shamsher

[DEEPAK SIBAL]
JUDGE

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