

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1344-2021

DATE OF DECISION: JANUARY 17, 2022

HARDEEP SINGH @ SEEPA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. L.S. SEKHON, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.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.74 dated 12.5.2020, under Section 22/25/61 NDPS Act and Section 188 IPC, Police Station Baretta, who is in custody since his arrest on 12.5.2020.

As per prosecution, on 12.5.2020, when a police party headed by ASI Pal Singh was patrolling to check suspicious persons, the petitioner was seen coming on a motorcycle, who on seeing the police turned his motorcycle, but he was apprehended. On his search, 1000 tablets of Clovidol 100-SR contained in 100 strips of 10 tablets each were recovered from him. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that as per prosecution, the petitioner was carrying 1000 tablets of Clovidol 100-SR when he was arrested. He submits that though the charges were framed against the petitioner on 3.2.2021, but till date no prosecution witness has been examined. He prays for bail.

On the other hand, learned counsel for the State assisted by SI Satnam Singh has opposed the aforesaid prayer on the ground that the recovered contraband falls within the ambit of commercial quantity and the petitioner is also involved in case FIR No.55 dated 11.5.2020, under Section 22 NDPS Act and Section 188 IPC Police Station Sadar Budhlada. In this regard, he has filed custody certificate dated 16.1.2022, by way of affidavit of Narpinder Singh, Deputy Superintendent, District Jail, Mansa. However, he does not dispute that out of total eleven prosecution witnesses, no witness has been examined so far.

At this stage, learned counsel for the petitioner has pointed out that FIR No.55 dated 11.5.2020, under Section 22 NDPS Act and Section 188 IPC Police Station Sadar Budhlada was registered a day prior to the present recovery and the alleged contraband was recovered from accused Rachhpal Singh and on his disclosure statement, the petitioner was implicated in the said case, who is on regular bail.

Considering the above background, custody of the petitioner and the fact that as the recent surge in pandemic COVID-19 has again forced the State Government to impose certain restrictions to prevent the spread of the disease, and it may also add to delay in conclusion of trial, therefore, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 12.5.2020. Further, the material witnesses are police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 17, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No