

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41782-2021

DATE OF DECISION: JANUARY 6, 2021

PARMOD KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. RISHMA VERMA 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.71 dated 17.7.2018, under Section 22 NDPS Act, Police Station Jalandhar Cantt., District Jalandhar, who is in custody since his arrest on 17.7.2018.

The allegations contained in the FIR as noticed by Judge, Special Court, Jalandhar, in the order dated 21.12.2018, are as under:-

“As per prosecution version, on 17.07.2018, police party headed by SI Sanjiv Kumar was present at T Point Birring where two young-men came on a motorcycle Splendor of black colour bearing registration No.PB-08BZ6150 from the side of Village Birring and on seeing the police party, they tried to turn back and in that process, their motorcycle got slipped and they were apprehended on suspicion. On inquiry the person driving the motorcycle disclosed his name as Suminderjit Singh son of Lal Singh whereas the pillion rider disclosed his name as Parmod Kumar son of Satnam Singh(present applicant/accused). During their search in the presence

of ACP Maninder Pal Singh 10 injections without label and 10 injections of Buprenorphine (Rexogesic) were recovered from the bag of accused Suminderjit Singh whereas 9 injections without label 3 Parmod Kumar Vs State of Punjab and 14 injections of Buprenorphine (Rexogesic) were recovered from the possession of applicant/accused Parmod Kumar”

Learned counsel for the petitioner has argued that though the charges were framed on 1.2.2019, but the prosecution has examined only two witnesses so far out of total nine witnesses. According to her, the petitioner is not involved in any other case, therefore, he be released on regular bail.

On the other hand, learned counsel for the State assisted by ASI Gurdeep Chand has opposed the aforesaid prayer as the recovered contraband (14 injections of Buprenorphine 2 ml each) would fall under commercial quantity. However, he does not dispute this fact that only two prosecution witnesses have been examined so far. He has further produced the custody certificate dated 5.1.2022, filed by way of affidavit of Hemant Sharma, PPS, Additional Superintendent Central Jail, Kapurthala, which indicates that the petitioner is not involved in any other case of similar nature.

Considering the above background, custody of the petitioner, and the fact that the trial would consume considerable time to conclude, 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. Thus, 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 17.7.2018.

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 6, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No