

**219 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-36373-2020**

**Date of decision-13.01.2022**

**Amrik Singh @ Resham Singh**

**....Petitioner**

**Vs.**

**State of Punjab**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Munish Garg, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

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**MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.90 dated 28.06.2020 under Sections 22 and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Tappa Mandi, District Barnala. Petitioner is in custody since his arrest on 28.06.2020.

The contents of the FIR as noticed by the learned Judge, Special Court, Barnala in his order dated 31.07.2020 are as under:-

*“As per the prosecution version, on 28.06.2020 Insp. Baljit Singh along with other police officials were present in connection with patrolling at Bus Stand, Dhilwan where he got the secret information that Amrik Singh, accused/applicant and accused/non applicant Jagjit Singh used to sell the intoxicant tablets by bringing the same from outside in Verna Car No. DL-3-CAL-2615 Then Insp. Baljit Singh send the ruqa against the accused and further investigation was carried out by ASI Manjit Singh who while was present near the common place of Raja Patti, Village Dhilwan, above numbered car was*

*parked there and the driver of the car on seeing the police party fled away. Whereas the person who was sitting on the rear seat of the car was apprehended who disclosed his name as Amrik Singh who is present accused/applicant and from his possession 2420 tablets and drug money of Rs. 5000/- were recovered. Amrik Singh accused/applicant disclosed that the person who fled away from the spot was Jagdeep Singh the accused/non applicant and the above-said car is also owned by him.”*

Learned counsel for the petitioner has submitted that after framing of charges on 22.11.2020, only one prosecution witnesses has been examined so far out of total 17 witnesses and the trial will take considerable time to conclude. He further submits that petitioner was travelling with co-accused-Jagdeep Singh, who escaped from the spot and petitioner is neither owner nor driver of the car. According to him, petitioner is not involved in any other case and he prays for bail.

On the other hand, learned State counsel assisted by SI Renu has opposed the prayer on the ground that the recovered contraband would fall within the ambit of commercial quantity. He further argued that the petitioner was named in the FIR and was present at the spot, however, it is not disputed by him that the petitioner is not involved in any other case of similar nature. He on instructions submits that the case is now fixed for 25.01.2022 for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties and considering the petitioner's custody, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as only one witness has been examined out of total 17 witnesses, therefore,

further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 28.06.2020. Apart from it, the recent surge in pandemic COVID-19 has further compelled State Government to impose certain restrictions and it may further add to the delay in the conclusion of the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

13.01.2022

vanita

(MANOJ BAJAJ)  
JUDGE

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |