

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

**CRM No.M-46601 of 2016
Date of Decision:28.02.2017**

Visawa Singh Petitioner

Vs.

State of Punjab Respondent

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
 HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Ms. Baljit Mann, Advocate for the petitioner.

Ms. Rita Kohli, Additional Advocate General,
Punjab with Mr. Hanspal Virk, AAG, Punjab.

SURYA KANT, J.(Oral)

 This petition has been moved by the petitioner under Section 439 Cr.P.C seeking enlargement on regular bail in case FIR No.69 dated 16.4.2013 registered under Sections 22, 61, 85 of NDPS Act, and under Sections 420, 467, 468, 471 IPC at Police Station Fatehgarh Sahib.

 The first bail application of the petitioner was rejected by this Court on 17.12.2014.

 The allegations are that the police party while patrolling near Tea Point in the area of village Dhupsari, Saddomajra, intercepted a white colour Qualis came from the side of Village Kotla Bhai Ke and from the trunk of the vehicle, 8 kg 500 grams of Ephedrine Powder in a polythene envelope was recovered. It was further found that the driver was employed with Jagdish Singh alias Bhola who is alleged to be Kingpin of the drug

mafia. During the course of further investigation, the name of the petitioner also surfaced and he was arrested on 15.5.2013. The petitioner is alleged to have made a disclosure statement on the basis of which, recovery of 5 kg intoxicant material (ICE) was affected.

The petitioner is in custody since then, namely, from last about four years.

Though in the status report-cum-affidavit filed by the Deputy Superintendent of Police (Investigation) Patiala dated 15.2.2017, there is no mention but the petitioner has disclosed that his name has been dragged after his arrest in the instant case, in an old case under NDPS of 2010 on the basis of statement of the accused in that case. Since the petitioner was named in the said case while he was already in custody in the instant case, obviously no recovery has been affected.

The prosecution's own case is that there are 75 witnesses out of which only 10 witnesses have been examined so far, whereas seven have been given up being unnecessary. Though the directions to conclude the trial in a time-bound manner have been issued in the case of another accused but it appears that the conclusion of trial will still take considerable long time.

Having regard to the totality of the circumstances including the period already spent by the petitioner in custody and in view of the fact that the rigors of Section 37 of the NDPS Act cannot be said to have been attracted, but without expressing any views on merits, coupled with the fact that the petitioner's co-accused has already been released on bail by this Court vide order dated 5.10.2016 passed in CRM No. M-24594 of 2016

(Sukhjit Singh alias Sukha v. State of Punjab), however, without expressing any views on merits, the instant petition is allowed and the petitioner is directed to be released on bail on furnishing bail bonds to the satisfaction of the learned trial Judge.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

28.02.2017
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No