

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-15230 of 2018

Date of Decision: October 04, 2018

Paramjit Singh @ Parm

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Rishu Mahajan, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 47 dated 09.04.2016 under Sections 21, 22 and 27 of NDPS Act, 1985 registered at Police Station Gate Hakima, District Amritsar City.

As per the prosecution version the petitioner was sitting on the rear seat of an Activa Scooter, which was intercepted by the police and 300 grams of intoxicant powder was recovered from him. Some cash was also recovered, which is allegedly drug money.

Learned counsel for the petitioner submits that the petitioner was arrested on 09.04.2016 and in between he was granted interim bail as the report of the FSL has not been received. Thereafter, the petitioner surrendered on 28.08.2017 immediately upon receipt of report of the FSL. Now he has undergone custody in excess of one year and three months. The trial is in progress but is not likely to be concluded at an early date. The petitioner is not an accused in any other case under the NDPS Act and, thus, he may be released on regular bail.

Custody certificate dated 04.10.2018 prepared by Sh. Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar has been filed in the Court today and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of one year, four months and twenty four days and there is no other case pending against the petitioner.

It is thus clear that no other criminal case is pending against the petitioner. He has undergone actual custody of one year, four months and twenty four days and as on date not even a single prosecution witness has been examined. Thus, the trial may not be concluded at an early date, therefore, it would not be in the interest of justice to keep the petitioner in custody indefinitely.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

October 04, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No