

CRM-M-1787-2020 (O&M)

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

**CRM-M-1787-2020 (O&M).
Decided on: February 24, 2020.**

Sher Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mrs.Anupam Bhanot, Advocate,
 for the petitioner.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.147 dated 13.07.2018, under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station, City Patti, District Tarn Taran.

Learned counsel for the petitioner orally prays for correction of typographical mistake in date of FIR as mentioned in the

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headnote, body of the petition as well as prayer clause. This fact is not disputed by the learned State counsel. Therefore, the correction as prayed for is allowed. The date be read as 13.07.2018.

On merits, the learned counsel for the petitioner has, inter alia, argued that in the present case, the petitioner has been wrongly roped in. Learned counsel further submits that, in fact, even the provisions of Section 50 NDPS Act have not been complied with. She further submits that the petitioner is not involved in any other case and the charges in this case were framed on 21.1.2019 and at present only one witness out of the total 9 witnesses cited by the prosecution has been examined and the trial is going on a very slow pace. She submits that even otherwise also medical condition of the petitioner is very bad because he is suffering from spinal spondylitis.

On the other hand, learned State counsel, on instructions, submits that it is correct that out of 9 witnesses only 1 witness has been examined and that the charges in the case have been framed on 21.1.2019. Learned State counsel has also not disputed the fact that there is no other case pending against the petitioner.

So far as the medical condition of the petitioner is concerned, learned State counsel submits that he has got no instructions with regard to the said fact.

I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the paper book.

In the present case after framing of charge on 21.1.2019, i.e. after a period of more than one year, only one witness out of 9 witnesses

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cited by the prosecution has been examined which fact would show that the trial is going at a very slow pace. It is also an undisputed fact that the petitioner is not involved in any other case and therefore, the present case for the grant of bail can be considered even if the alleged recovery is of 1200 intoxicating tablets. So far as the medical condition of the petitioner is concerned, since the State counsel has got no instructions, no observation can be made in that regard. Furthermore, it is also not the case of the State that in case released on bail, the petitioner would influence the witness or tamper with the evidence. So far as bar contained under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, is concerned, it is not a case of State that there is likelihood of petitioner repeating similar offence and as of now there is no other case against the petitioner. Therefore, the present bail application can be considered for acceptance in view of facts and circumstances of the case.

Thus, considering the totality of the circumstances, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 24, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No