

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

**CRM-M No. 5223 of 2020
Date of decision: 16.09.2020.**

Jasvir Singh @ Shera Petitioner.
Versus
State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. K. Arun Singh, Advocate, for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No. 44 dated 28.05.2004, under Sections 15 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' - for short), registered at Police Station Nurmahal, District Jalandhar.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner and he is alleged to have run away from the spot. Recovery of poppy husk has been effected from a truck, which was driven by one Malkiat Singh, who has been convicted. He also contends that two similarly situated co-accused, namely, Lachhman Singh and Kali @ Kalu, who are also stated to have run away, had been acquitted on conclusion of the trial in the year 2006 and the petitioner was under the impression that he had also been acquitted. He was declared 'proclaimed offender' and after his arrest, he is in custody for over two years and two months. He is 50 years

of age and is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from ASI Sukhwinder Singh, contends that none of the fifteen prosecution witnesses has been examined. He has filed affidavit of custody which indicates that the petitioner is in custody for a period of two years, two months and twenty-six days as on 15.09.2020 and he is not involved in any other case under the NDPS Act.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for about two years and three months, he is not involved in any other case under the NDPS Act, similarly situated co-accused have already been acquitted, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that the petitioner shall appear before the Station House Officer, Police Station Nurmahal, District Jalandhar, on every alternate Monday till conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

16.09.2020
Ramesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No