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

**CRM-M-8564-2020 (O&M)
Date of Decision: 05.10.2020**

Tarsem Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Kanwaljeet Singh Brar, Advocate,
for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-16897-2020:

For the reasons mentioned in the application, the main case is taken up today itself, for consideration.

Application stands disposed off.

CRM-M-8564-2020:

The present petition has been filed under Section 439 of the Cr.P.C. by the petitioner, seeking regular bail in case FIR No.224 dated 03.11.2019, under Sections 21 and 22 of the NDPS Act, registered at Police Station Kotwali, Bathinda, District Bathinda.

2. It is submitted by Ld. Counsel for the petitioner that his client has been falsely implicated in the present case. He further submits that the investigation against the petitioner has already been completed and challan

submitted, on account of which, his further detention at this stage, for the purpose of investigation, is not required.

3. Ld. State Counsel, however, opposes the bail prayer of the petitioner by submitting that he is a habitual offender and is involved in no less than three other cases under the NDPS Act, as mentioned in the Custody Certificate, sent up on behalf of Ld. State Counsel, through e-mail.

4. Perused the same.

5. It is seen that the petitioner was earlier involved in the case FIR No.82 of 2017, under Sections 22, 61 and 85 of the NDPS Act, registered at Police Station Sangat. From the judgment passed by the Ld. Judge Special Court at Bathinda, in the said case, it is seen that he was convicted for being in possession of contraband, which was below the commercial quantity, on account of which, the sentence awarded to him was only for the period he had already undergone in detention in the said case, which he has thus served out. In addition, the petitioner was tried in connection with case FIR No.221 dated 25.10.2017, under Sections 21, 61 and 85 of the NDPS Act, registered at Police Station Kotwali, Bathinda, District Bathinda, in which he was ultimately acquitted by the Ld. Judge Special Court, Bathinda. He is now reported to be involved in another case under the NDPS Act, being FIR No.205 of 2018, under Sections 21, 61 and 85 of the NDPS Act, registered at Police Station Canal Colony, Bathinda, which involves contraband below the commercial quantity and in which case, he was taken into custody on the strength of a Production Warrant and is presently on bail.

6. Co-accused Baljinder Singh, in the present case, has already been granted regular bail by this Court, although on medical grounds, in

CRM-M-11472-2020 on 29.07.2020.

7. It transpires that after completion of the investigation and submission of challan, trial has not yet commenced. Even the Charges are to be framed as yet, and as many as 22 persons have been cited as witnesses in the challan.

8. In such circumstances, the trial is likely to take its own substantial time, particularly on account of the ongoing Covid-19 pandemic. As such, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on regular bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9. Disposed off.

05.10.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No