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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11505-2019
Date of Decision: 10.08.2020

Prabh Singh @ Harry

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Raj K. Gupta, Advocate,
for the petitioner.

Mr. Harbir Sandhu, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a second petition filed under Section 439 of the Cr.P.C. on behalf of the petitioner, seeking regular bail in case FIR No.123 dated 15.09.2017, under Sections 22/27-A/29 of the N.D.P.S. Act, registered at Police Station Moti Nagar, District Ludhiana.

[2]. The petitioner's previous petition was dismissed by this Court vide the detailed order dated 01.06.2018 passed in CRM-M-747-2018. He has now approached this Court again for bail on the ground that he has already remained in detention for nearly 3 years, since his arrest in the month of September, 2017.

[3]. From the custody certificate sent up on behalf of the State, it transpires that the petitioner was involved in 3 more cases, including one under Section 21 of the N.D.P.S. Act, which have been mentioned in Column No.5 of the custody certificate. He has been acquitted in all those 3

cases.

[4]. In addition, he is stated to be involved in one more case under the N.D.P.S. Act, being FIR No.322 of 2012, in which, he was not formally arrested, and it has been mentioned in the relevant Column No.3 that his custody was sought in the said case on the basis of a Production Warrant.

[5]. Ld. Counsel for the petitioner in this regard submits that even though the FIR in the said case was lodged way-back in the year 2012, still no challan has been presented against the petitioner till date and he, in any case, was a juvenile at the relevant time in the concerned year. It is further submitted by Ld. Counsel for the petitioner that co-accused Manjinder Singh in the said case FIR had already been acquitted by the Ld. Trial Court long ago.

[6]. On 25.02.2020, Ld. State counsel had submitted with reference to an earlier order dated 24.07.2019 that out of the total 18 prosecution witnesses examined, 6 prosecution witnesses had been given up, while examination-in-chief of 3 prosecution witnesses had been completed. Thereafter till date, the progress appears to be that cross-examination of 2 out of those 3 witnesses have been done so far. Consequently, as many as 9 other prosecution witnesses still remain to be examined while cross-examination of one more witness is yet to be completed. The next date for this purpose is reported to be 21.09.2020.

[7]. Considering all the aforesaid circumstances and especially in view of the fact that the petitioner is not involved in any other case under the N.D.P.S. Act, at least from the time he attained the age of majority, as also taking into account the long detention undergone by the petitioner and the fact that the trial is likely to take its considerable time to complete due to ongoing Covid-19 Pandemic, he is ordered to be released on bail, subject to

the appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[8]. Disposed off.

10.08.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

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