

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13627-2020 (O&M)
Date of decision: 28.07.2020

Satnam Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-15333-2020

For the reasons stated in the application, same is allowed and date of hearing fixed in the main case is preponed from 28.10.2020 to today.

CRM stands disposed of.

CRM-M-13627-2020

This is 3rd petition for grant of regular bail in FIR No.136 dated 29.06.2018 under Section 22/25 of NDPS Act, registered at Police Station Sangat, District Bathinda, earlier two were dismissed as withdrawn on 15.07.2019 and 28.01.2020.

Learned counsel for the petitioner submits that new ground for filing this bail application is that presently, the petitioner is in custody for the last 02 years and 23 days; the trial is standstill and one of the co-accused Indraj

has been granted the concession of regular bail vide order dated 15.07.2019 passed in CRM-M-54257-2018. The operative part of the order reads as under: -

“...Counsel for the petitioner has submitted that as per the allegations in the FIR, when the Investigating Officer was checking the suspected vehicles, he noticed a Maruti Alto car bearing registration NO.RJ31-CA-9052 and signaled the same to stop. On stopping the vehicle, the driver of the car tried to run away by reversing the car, however, Constable Kuldeep Singh put a barricade on the back side of the car in order to stop the same and in that process, the back glass of the car broke down. There were 03 occupants on the car and the person sitting on the back seat after opening the left side door ran away and the other 02 occupants, sitting on the front seat of the car were nabbed by the police party. The driver informed his name as Narinder Singh @ Kalu son of Arjun Singh and the co-passenger informed his name as Satnam Singh son of Gurdeep Singh. From the dicky of the car, total 1150 bottles of Onerex (100 ml each) were recovered, which contain Codeine Phosphate.

Counsel for the petitioner has further submitted that the petitioner is not involved in any other case and he was subsequently, arrested on 06.07.2018 and is in custody since then. It is further submitted that since the petitioner was not arrested at the spot, therefore, it will be a debatable issue to be decided during the course of trial, whether he was found in conscious possession of the narcotics recovered from the car.

Counsel for the State, on instructions from ASI Nirmaljit Singh, has not disputed the factual position and submits that out of 15 prosecution witnesses, only 01 PW has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender and he is not involved in any other case; only 01 prosecution witness has been examined so far and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate....”

Learned counsel for the petitioner further submits that though the recovery is of commercial quantity, however, the petitioner was neither owner nor driver of the car, as driver and owner of the car is co-accused Narinder Singh @ Kalu. It is further submitted that recovery was effected from dikki of the car, which was in possession of aforesaid co-accused Narinder Singh @ Kalu. It is also submitted that the petitioner is not involved in any other case and on account of COVID-19 pandemic situation in the country, the trial is not proceeding further.

Learned State counsel has filed the custody certificate dated 27.07.2020 in the Court today and as per this custody certificate, the petitioner is in custody for the last 02 years and 23 days and is not involved in any other case under NDPS Act and he is facing trial in a case under Section 420 IPC.

Learned State counsel, on instructions from the Investigating Officer, further submits that out of total 15 prosecution witnesses, only 06 PWs

have been examined.

Without commenting anything on merits of the case, considering the long custody of the petitioner and in view of the fact that he was neither owner nor driver of the car, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.07.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No