

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

CRM-M-14713-2020(O&M)

Date of decision: - 06.08.2020

Harjit Singh @ Gori

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sahil Puri, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 320 dated 29.10.2017 registered under Sections 18/21/22/29 of NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner states that though the house of the petitioner was raided on a secret information, yet he was not arrested at the spot. Co-accused Babli and Des Raj who were arrested at the spot have been granted bail by the Coordinate Benches of this Court. The petitioner has been in custody since 04.03.2020. He further argues that Section 42 of NDPS Act was not complied with in the present case.

Copy of custody certificate by way of affidavit Deputy Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel through email is taken on record. He does not dispute the fact regarding the custody period of the petitioner. He points out that the petitioner is evading the arrest and was also declared proclaimed offender vide order dated 01.05.2018. Charges are yet to be framed.

I have heard the learned counsel for the parties.

Co-accused have already been granted bail. The petitioner has been in custody since 04.03.2020 and charges are yet to be framed. The trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

06.08.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No