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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.48866 of 2019 (O&M)
Decided on: 15.10.2020

Narinder Singh @ Kalu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. PKS Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in FIR No.136 dated 29.06.2018 registered under Sections 22/25 of the NDPS Act at Police Station Sangat, District Bathinda.

The earlier one was dismissed as withdrawn on 15.07.2019.

Counsel for the petitioner submits that the new ground for filing this petition is that the petitioner is in long custody and secondly, the trial is moving at a slow pace due to COVID-19 situation.

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

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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 argued that though the petitioner was the driver of the car, however, 02 of the co-accused of the petitioner have already been granted the concession of regular bail. It is further submitted that the co-accused of the petitioner namely Inderaj has been granted the concession of regular bail vide order dated 15.07.2019 passed by this Court in CRM-M No.54527 of 2018, considering the fact that he is in custody since 06.07.2018.

Counsel for the State has, however, submitted that the recovery is of commercial nature but it is not disputed that the petitioner is in custody since 04.07.2018 i.e. for a period of more than 02 years and 02 months. It is further submitted that 07 prosecution witnesses have been examined before the trial Court and the case is still at the stage of recording the evidence of the prosecution witnesses.

After hearing the counsel for the parties and considering the fact that though the recovery is of commercial nature but the petitioner is in custody for the last more than 02 years; he is not involved in any other case as per the Custody Certificate and the trial is

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moving at a slow pace due to COVID-19 situation, 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/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.10.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No