

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

CRM-M-50112-2019 (O&M)
Date of decision: 31.07.2020

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashok Giri, Advocate
for the applicant-petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM-17916-2020

Prayer in this application is for preponing the date of the main case i.e. fixed for 14.10.2020.

For the reasons stated in the application, the same is allowed.

Let the main case be preponed and taken up today itself.

CRM-M-50112-2019

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 164 dated 07.05.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Phillaur, District Jalandhar (Rural).

Learned counsel for the petitioner relies upon order dated 10.12.2019 passed in CRM-M-51519-2019, vide which, co-accused Varinder Kumar has been granted concession of regular bail by this Court.

The operative part of the order reads as under:

“The allegations are that petitioner alongwith one Harjinder Singh was apprehended while travelling on a motorcycle. Petitioner was driving the motorcycle and Harjinder Singh was pillion rider. From one polythene envelope tied with handle of motorcycle, 12 intoxicant injections of Avil 10 ml and 12 intoxicant injections of Leegesic Buprenorphine 2 ml each were recovered. From personal search of Harjinder Singh, another 12 intoxicant injections of Avil 10 ml each, 12 intoxicant injections of Leegesic Buprenorphine 2 ml each and 150 tablets of Atifresh 0.5 were recovered. Petitioner is in custody since 7.5.2019.

The learned State counsel states that investigation in the case is complete, challan has been filed and charges have been framed

Petitioner is in custody since 7.5.2019. The trial of the case may take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of present case; without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioner further argues that petitioner is in judicial custody since 07.05.2019 and despite the lapse of more than one year and two months of time, no prosecution witness has been examined so far.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case.

Learned State counsel, on telephonic instructions from the SHO, Phillaur, has not disputed the factual position and submitted that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that co-accused of the petitioner has already been granted concession of regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

31.07.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No