

207-2

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

**CRM-M No.53100 of 2019
Date of Decision : 24.11.2020**

Satnam Singh @ Satta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Dinesh Nagar, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.0134, dated 6th August, 2019, registered under Sections 21, 25, 29 (Section 22 & 27-A added later on) of the NDPS Act, 1985, at Police Station Gharinda, District Amritsar Rural.

2. In Para No.5 of the Additional Affidavit of the Senior Superintendent of Police, Amritsar (Rural) filed today in CRM-M No.19148 of 2020 on behalf of the State in compliance with the order passed on the last date, it has been mentioned that from the CCTV footage provided, it is not possible to identify any person or Police Personnel as depicted therein, nor even the area which is covered in the concerned Video Recording.

3. Be that as it may, it transpires that the Petitioner has by now remained in detention for more than 1 year and 2 months since 30th August,

2019 and there is no record of his involvement in any other case under the NDPS Act.

4. After completion of investigation, Challan against him has already been submitted long ago but the trial is yet to commence and even the Charges are yet to be framed.

5. In such circumstances, apart from the controversy surrounding the alleged illegal arrest of the Petitioner, which is sought to be depicted in the disputed CCTV Footage, and which would require a long time to verify, considering the detention already undergone by the Petitioner, and the fact that he is not involved in any other case under the NDPS Act, as also keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not called for. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6. Disposed off.

November 24, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No