

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

CRM-M-924-2021
Date of decision: 26.08.2021

Surinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. S. Dhindsa, Advocate
for the petitioner.

Mr. H. S. Multani, AAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 125 dated 26.04.2019, registered under Section 18 of the NDPS Act, 1985 at Police Station Model Town, District Hoshiarpur.

The first petition, bearing CRM-M-34179-2019, was dismissed as withdrawn on 28.08.2019.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that petitioner is in judicial custody for the last about 01 year and 07 months and despite the fact that charges were framed on 03.10.2019, till date, no prosecution witness has been examined.

Learned counsel for the petitioner further submits that as per

allegations in the FIR, registered at the instance of SI Chanchal Singh, while on patrol duty, he received a secret information that petitioner Surinder Pal and his wife Bimla Devi are indulged in selling opium and are coming on a scooter having registration number PB-07-AW-8443. Upon this, an information was sent to police station and thereafter, recovery of 3.4 kgs. of opium was effected from the dickey of the scooter, which was registered in the name of the wife of the petitioner.

Learned counsel further submits that co-accused Bimla Devi has already been granted concession of regular bail by this Court, vide order dated 04.12.2020 passed in CRM-M-31346-2020.

Learned counsel further submits that it will be a matter of trial whether provisions of Section 42 of the NDPS Act were complied with or not during investigation.

Learned counsel further submits that petitioner is in long custody and the trial is not progressing due to COVID-19 situation in the country.

Learned State counsel has filed the custody certificate and has not disputed the factual position, however, it is submitted that petitioner was convicted in another case under the NDPS Act for nine months, which he has undergone.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last about 01 year and 07 months and conclusion of trial is likely to take some time as till date, no prosecution witness has been examined, though the charges were framed in

October, 2019, 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/Illaq Magistrate, concerned.

26.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No