

In virtual Court

CRM-M-1280-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1280-2020 (O&M)
Date of decision: 15.03.2021

Raj Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Umesh Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.88 dated 22.07.2018 under Section 22 of NDPS Act, registered at Police Station Shambhu, Patiala; earlier one was dismissed as withdrawn on 01.04.2019.

Learned counsel for the petitioner relies upon the order dated 08.02.2021 passed in CRM-M-4699-2021, vide which co-accused Sukhwinder Singh @ Kaka has been granted the concession of regular bail, considering the fact that he has undergone 02 years, 06 months and 10 days of custody. The operative part of the aforesaid order reads as under: -

“...Learned counsel for the petitioner submits that new ground for filing this petition is that as on today, the petitioner has undergone

02 years, 06 months and 10 days of custody; he is not involved in any other case; the case is still at the stage of recording the prosecution evidence and out of total 12 prosecution witnesses, only 06 PWs have been examined so far and the trial has considerably delayed due to COVID-19 situation in the country. It is further submitted that as per allegations in the FIR, the petitioner was a co-passenger in a commercial vehicle, which was driven by driver and owner Raj Kumar and 219 injections of OMGESIC of 2 ml each were recovered. It is also submitted that the recovery was effected from a bag between the driver and passenger seat, however, it will be a matter of trial whether the petitioner was in conscious possession of the same.

Learned State counsel, on the basis of custody certificate dated 08.02.2021 filed in the Court today, has not disputed that the petitioner has undergone 02 years, 06 months and 10 days of custody and is not involved in any other case under NDPS Act...”

Learned counsel for the petitioner submits that the petitioner has also undergone more than 02 years and 07 months of custody and the case is still at the stage of recording the prosecution evidence.

Learned State counsel has filed the custody certificate dated 15.03.2021 in the Court today and has not disputed long custody of the petitioner. A perusal of the custody certificate shows that the petitioner is not involved in any other case. It is further submitted that out of total 12

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prosecution witnesses, 11 PWs have already been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

15.03.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No