

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

211

CRM-M-7066-2021 (O&M)

Date of decision: 14.09.2021

RAM PARKASH @ BITTU SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. PS Sekhon, Advocate for the petitioner.

Mr. BS Sewak, Addl. AG, Punjab.

ANIL KSHETARPAL, J (Oral)

This is the fourth petition for the grant of bail, pending trial, in a criminal case arising from FIR No.161, dated 26.11.2018, registered under Sections 21, 22 and 29 of the NDPS Act, 1985, at Police Station Kot Issekhan, District Moga.

The first application was dismissed as withdrawn on 01.07.2019, whereas the second application was dismissed on 22.11.2019. The third application was dismissed as the learned counsel representing the petitioner made a factually incorrect statement.

As per the case of the prosecution, the petitioner was apprehended with 90 strips of tablets XL-PAM 0.5, each strip contains 10 tablets, thus, the total recovery is 900 tablets. Apart from this, the petitioner is alleged to have been found in the conscious possession of 13 gms. of heroin.

Learned counsel for the petitioner contends that the petitioner has already suffered incarceration for a period of more than 2 years and 9

petitioner under the NDPS Act, 1985.

On the other hand, learned State counsel has submitted that the petitioner is a habitual offender as he is involved in FIR No.155, dated 13.11.2007, registered under Section 363/366-A/120-B IPC and FIR No.50, dated 30.12.2016, registered under Section 307/353/332/323/186/148/149 IPC.

As per the affidavit of the Deputy Superintendent of Police, the petitioner stands acquitted in FIR No.155, dated 13.11.2007, vide judgment dated 26.03.2008, whereas the trial in FIR No.50, dated 30.12.2016, is still pending.

Learned counsel representing the State has disclosed that out of 16 prosecution witnesses proposed to be examined, the deposition of only one witness has been recorded so far.

The conclusion of the trial is likely to take time. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

All the pending miscellaneous application(s), if any, are also disposed of.

14.09.2021

ashok

(ANIL KSHETARPAL)

JUDGE