

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16222-2021 (O&M)

Date of decision: 27.10.2021

Malwinder Singh @ Malli

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.80 dated 25.08.2019 under Section 22 of NDPS Act, registered at Police Station GRP Bathinda, District Bathinda; earlier one was dismissed as withdrawn.

Learned counsel for the petitioner submits that new ground for filing this second petition is that as on today, the petitioner is in custody for the last 01 year, 08 months and 09 days and till date, no prosecution witness has been examined. It is further submitted that as per allegations in the FIR, registered at the instance of ASI Ram Khiladi Meena, while on duty, he noticed a person picking up luggage and on inquiry, he disclosed his name as Gursem and owner of the luggage disclosed his name as Rahul. Later on, when the search was conducted, 2250 intoxicant tablets of Carisoprodol, 120 vials of

Onerex and 120 vials of VincereX were recovered. It is also submitted that during the investigation, name of the petitioner surfaced in the disclosure statement of main accused, who was arrested at the spot. Learned counsel further submits that the petitioner though is involved in one more case of 2019, however, he is on bail.

Learned State counsel has filed the custody certificate dated 26.10.2021 in the Court today and has not disputed the fact that the petitioner was nominated on the basis of disclosure statement of main accused, who was arrested at the spot. It is also not disputed that the petitioner is in custody for the last 01 year, 08 months and 09 days and out of total 21 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year, 08 months and 09 days and out of total 21 prosecution witnesses, none has been examined so far, therefore, it will take some time in conclusion of the trial, 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.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.10.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No