

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110+217

CRM-25646-2020 and
CRM-3785-2021 in/and
CRM-M-16044-2020(O&M)

Date of Decision:24.02.2021

Kamaljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. R.D. Rattewal, Advocate,
for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-25646-2020

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record the document(Annexure P-6).

For the reasons stated in the application, same is allowed and the document(Annexure P-6), is permitted to be taken on record.

CRM-3785-2021

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record the order dated 16.09.2016 passed by learned Special Court, SBS Nagar in FIR No.11 dated 20.03.2016 under Sections 22, 22 of

of adhaar card of mother of the petitioner, Annexure P-7 and also for exemption from filing certified/typed copies thereof.

For the reasons stated in the application, same is allowed and the order dated 16.09.2016(Annexure P-6) and copy of adhaar card (Annexure P-7), are permitted to be taken on record.

CRM-M-16044-2020

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.226 dated 05.10.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Khanna, District Khanna.

As per FIR, on 05.10.2018, 25 vials of Avil injections 10 ml, containing 21.45 mg/ml of Phenormine Maleate each and 25 vials of Omgesic, containing 0.293 mg/ml of Buprenorphine Hydrochloride salt, were recovered from the bag of the petitioner, whereas 30 vials of Avil injections 10 ml each and 30 vials of Omgesic injections 2ml each, were recovered from co-accused Jaspal Singh, who has now died.

Learned counsel for the petitioner submits that the petitioner is in custody since 05.10.2018 (i.e. for about 02 years and 05 months) and as against total 13 witnesses cited by the prosecution, only one witness has been examined in the case. Though, FIR No.11 dated 20.03.2016 under Sections 22, 22 of the NDPS Act, PS City Banga, District SBS Nagar, was registered against the petitioner, but in that case, he is on bail. Since the petitioner was in custody, it is for this reason, this fact could not be incorporated at the time of filing of the present petition.

Learned State Counsel does not dispute the custody period of the petitioner and the stage of trial.

Heard learned counsel for the parties.

The petitioner is in custody since 05.10.2018. As against total 13 witnesses cited by the prosecution, only one witness has been examined in the case. Though, FIR No.11 dated 20.03.2016 under Sections 22, 22 of the NDPS Act, PS City Banga, District SBS Nagar, was registered against the petitioner, but in that case, he is on bail. Trial in the case is not likely to be concluded in the near future, thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 24, 2021
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No