

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-19717-2021

Date of Decision: 01.11.2021

Gian Singh

... Petitioner

VS.

State of Punjab

... Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. KS Sidhu, Advocate for the petitioner

Mr. JP Ratra, DAG Punjab

Arvind Singh Sangwan, J. (Oral)

Prayer in this petition is for grant of regular bail in FIR No.204 dated 05.09.2020 under Section 15 of the NDPS Act, 1985 registered at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner submits that the FIR was got registered at the instance of ASI Chamkaur Singh who had written a *ruqa* that he received a secret information that the co-accused Pal Singh and petitioner Gian Singh were indulged in selling of intoxicant substances and they were coming in a car bearing registration No.HR-12-S-9600 make Skoda and they can be apprehended with the intoxicant substances. Counsel submits that later the FIR was registered and during investigation, 48 kgs of broken pods of poppy were allegedly effected from the boot of the above-said car from Pal Singh and the present petition. It is argued that the car was being driven by co-accused Pal Singh whereas petitioner Gian Singh was sitting on the co-driver seat. Counsel has further referred to the order dated 01.06.2021 vide which the Judge of the Special Court, Patiala has granted regular bail to co-accused Pal Singh noticing the fact that due to Covid-19 pandemic, the trial is not likely to conclude.

Counsel for the petitioner has urged that the petitioner is an old ailing heart patient and has undergone operation for implanting stents and has relied upon medical evidence which is part of the record.

In reply, learned State counsel submits that Pal Singh was driver and owner of the said car, however, subsequent to the arrest of the petitioner, he suffered a disclosure statement and thereafter another recovery of 12 kgs of poppy pods was made. Learned State counsel, on the basis of the custody certificate dated 01.11.2021 submits that the petitioner has undergone 1-year, 1-month and 22 days of custody as undertrial and there is one more case pending against the petitioner under the NDPS Act in which he is stated to have been granted the concession of anticipatory bail. It is further averred that out of total 15 witnesses, only one witness has been examined till date.

Without commenting anything on merits of the case, considering the submissions made by learned counsel for the parties and also in view of the 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.

Petition is disposed of.

01.11.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Arvind Singh Sangwan)
Judge

Yes/No
Yes/No