

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

**CRM-M-20504-2021
Date of decision: 15.11.2021**

Navjot Singh @ Jony

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 259 dated 01.09.2020, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (*for short the 'NDPS Act'*) at Police Station City Sangrur, District Sangrur.

The first petition, bearing CRM-M-41814-2020, was dismissed as withdrawn on 23.02.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the petitioner is in judicial custody for the last 01 year, 02 months and 09 days and out of total 18 prosecution witnesses, only 01 witness has been examined so far and the trial is moving at a very slow pace due to COVID-19 situation in the country.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered at the instance of ASI Kashmir Singh, it is stated that while he was on patrol duty for checking suspicious persons, a

secret information was received that petitioner Navjot Singh @ Jony is habitual of selling intoxicant tablets and is coming on foot. On this, a ruqa was sent to the police station and thereafter, SI Hardeep Singh came at the spot and apprehended the petitioner.

Learned counsel further submits that notice under section 50 of the NDPS Act was given to petitioner, however, no Gazetted Officer was called at the spot.

It is further submitted that from the search, 500 intoxicant tablets were recovered from the bag, which the petitioner had thrown at the time when he was apprehended and later on, on the disclosure of the petitioner, another 500 intoxicant tablets were recovered, which were kept concealed in a rented accommodation of the petitioner.

Learned counsel further submits that the petitioner is not involved in FIR No.36 dated 23.07.2018 under Section 22 of NDPS Act, Police Station City Sangrur, FIR No.207 dated 27.12.2019 under Section 22 of NDPS Act, Police Station City Sangrur and FIR No.83 dated 27.04.2020 under Sections 188, 269, 271 IPC, Police Station City Dhuri, as noticed in the order passed by the Additional Sessions Judge and the accused in the aforesaid three FIRs are Mandeep Singh @ Sonu and others and not the petitioner herein.

Learned counsel further submits that the petitioner is a first offender and conclusion of trial may take a long time as certain moot points regarding non-compliance of Sections 42 and 50 of the NDPS Act are involved in this case.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed that petitioner is in judicial custody

for the last 01 year, 02 months and 09 days and out of total 18 prosecution witnesses, only 01 witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

15.11.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No