

Sr.No.222

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

CRM-M-26505-2021

Date of decision:19.07.2021

Deepak Kumar @ Mehra

... Petitioner

versus

State of Punjab

... Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.
Mr. J.P.Ratra, DAG, Punjab.

Through Video Conference

Arvind Singh Sangwan, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.78 dated 03.04.2019, for offence punishable under Section 22 of the NDPS Act, registered at Police Station Kotwali, Tehsil and District Patiala.

This is the third petition for regular bail. Earlier two petitions were dismissed as withdrawn on 03.03.2020 and 14.10.2020 respectively.

Counsel for the petitioner has submitted that, new ground for filing the regular bail petition is that as on today the petitioner is in custody for the last 02 years 03 months and only 1 prosecution witness has been examined.

Counsel for the petitioner has submitted that, as per the allegation in the FIR, the police party headed by ASI Harish Kumar, while

on patrol duty, on suspicion apprehended a young man who was coming on a foot and became perplexed on seeing the police party. On suspicion of carrying some narcotic in a polythene bag which he was carrying an information was sent to the police station for deputing a second investigating officer. Thereafter, notice was given to the petitioner to be searched before a Magistrate or a Gazetted Officer, however, he reposed confidence in the investigating officer and on conducting the search 530 capsules of Parvan-Spasplus were recovered.

Counsel for the petitioner has submitted that the petitioner is in long custody for the last 02 years and 03 months and since the trial is delayed due to Covid-19 situation, he may be granted concession of regular bail as moot points are involved regarding the manner in which the recovery was effected.

Counsel for the State has filed the custody certificate and as per the custody certificate the petitioner is involved in one more FIR of 2015, however, he is on bail. State counsel has submitted that out of 10 witnesses only 01 PW has been examined so far.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in long custody and trial is delayed, substantially only 01 PW has been examined so far, this petition is allowed and I deem it appropriate to release the petitioner on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

19th July, 2021

[ARVIND SINGH SANGWAN]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No