

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

**CRM-M-27720-2021
Date of decision: 28.10.2021**

RESHAM SINGH

...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 has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0016 dated 17.02.2020, registered under Sections 22 and 25 of the NDPS Act, 1985 at Police Station Sadar Raikot, District Ludhiana (Rural), Punjab.

The earlier petition bearing No. CRM-M-21225-2020 was dismissed as withdrawn on 09.02.2021.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party receiving a secret information that one Gurdeep Singh and petitioner Resham Singh are indulged in selling of intoxicant tablets and they are coming on a scooter from Raikot City and if barricading is done they can be apprehended with intoxicant tablets and in this regard, information was sent to the police station for registration of the FIR.

Learned counsel for the petitioner further submits that later on, when the police party apprehended the petitioner as well as co-accused

Gurdeep Singh, the petitioner was driving the scooter and 3000 intoxicant tablets were recovered.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and in all the proceedings, the FIR number mentioned on five documents will be a matter to be decided during the trial.

Learned counsel for the petitioner further submits that one of the moot points in the trial will be regarding the compliance of Section 42 of the NDPS Act.

Learned State counsel submits that challan stands presented on 18.06.2021 and charges have not been framed so far and therefore, the conclusion of trial will take some time.

Learned State counsel further submits that as on today, the petitioner has undergone 01 year 08 months and 7 days of his judicial custody and is not involved in any other case. It is also stated that there are 10 prosecution witnesses and none has been examined so far and even charges have not been framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions; 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/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

28.10.2021
Chetan Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No