

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

**CRM-M-29386-2021
Date of Decision : 04.08.2021**

Pawan Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Verma, Advocate for the petitioner.

Mr. J.P.Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN(Oral)

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this 3rd petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.347 dated 25.12.2018, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act'), at Police Station Civil Lines, Patiala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on receiving a secret information that Bhinder Singh, Harjinder Singh @ Jinder and petitioner Pawan Kumar are coming in a private vehicle and they are habitual of selling opium.

On receiving such information, FIR was registered and a raiding party was prepared which was headed by ASI Beant Singh and they apprehended petitioner Pawan Kumar who was driving the car bearing registration No.HR-16J-4077 and recovery of 06 kg of opium was effected.

Learned counsel for the petitioner submits that earlier on two occasions, the petitioner was granted the concession of interim bail, firstly for awaiting report of FSL, vide order dated 09.04.2019, passed by this Court in CRM-M-15270-2019 and then vide order dated 28.08.2020, passed

in CRM-M-10550-2020 and he has not misused the same. After availing the interim bail, the petitioner has surrendered back. Learned counsel for the petitioner further submits that the petitioner is in custody for the last 02 years 01 month and 09 days and he is not involved in any other case

Learned counsel for the petitioner submits that there are moot points to be decided during the trial are regarding the non-compliance of Sections 42 and 50 of the Act. It is further submitted that out of 12, only 5 PWs have been examined so far as the trial was delayed substantially due to COVID-19 situation and will take sometime.

Learned State counsel has filed the custody certificate and as per the said custody certificate, the petitioner is in custody for more than 02 years 01 month and 09 days and he is not involved in any other case.

After hearing the learned counsel for the parties, without commenting upon the merits of the case and considering the aforesaid submissions especially that the petitioner is in long custody; he is not involved in any other case; the case is at the stage of prosecution evidence and earlier on two occasions he was granted the concession of interim bail and he has not misused the same, the present petition is allowed and the petitioner is directed 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

04.08.2021

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No