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

**CRM-M-29427-2021 (O&M)
Date of decision-28.09.2021**

Joban Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.89 dated 23.09.2015 registered under Sections 21/22 of the NDPS Act at Police Station Valtaha, District Tarn Taran, who is in custody since his arrest on 23.09.2015.

As per allegations in the FIR, on 23.09.2015, the police party was going from Chowki Gharyala towards metaled Shaheed link road and when they reached near railway crossing of Shaheed Road, then a clean shaven boy was seen coming on foot, who was asked to stop but he started running fast and threw a polythene held by him in bushes. He was apprehended on the basis of suspicion. On enquiry, he disclosed his name as Joban Singh son of Harjeet Singh. On search of the polythene, 150 grams of intoxicating powder was recovered from his conscious possession. On these

broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that as per prosecution, 150 gms of intoxicating power was recovered from his possession on 23.09.2015 and since then, he is in custody i.e. for a period of approximately 5 years. He submits that previously his bail application was dismissed, as it was brought to the notice of this Court by the State counsel that out of eighteen prosecution witnesses seven have been examined. Learned counsel states that in fact, only four witnesses have been examined so far, and in this regard he has drawn the attention of this Court to the zimini orders. According to him, after 20.02.2020, no witness has been examined and the witnesses are not appearing despite issuance of arrest warrants. He prays for bail.

Learned State counsel assisted by ASI Gurdial Singh has opposed the prayer and argued that the recovered contraband falls in commercial quantity, however, he is unable to rebut the stand of learned counsel for the petitioner that only four witnesses have been examined. Learned State counsel has produced the custody certificate of the petitioner which indicates that he has actually undergone a period of 4 years and 11 months and he is not involved in any other case.

Considering the above background, long custody of the petitioner and slow pace of trial, this Court is of the opinion that as there does not seem to be any possibility of conclusion of trial in near future, thus the further detention of the petitioner would not serve any useful purpose, who is confined in judicial custody. The material witnesses are police officials and there does not seem to be any likelihood of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

28.09.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No