

CRM-M-23520-2020

Date of Decision: 17.03.2021

Vicky Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J.(ORAL)

Prayer in this petition under Section 439 of Code of Criminal Procedure, 1974 is for grant of regular bail to the petitioner in case FIR No.165, dated 26.08.2019, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station City Sunam, District Sangrur, Punjab.

Learned counsel for the petitioner relies upon the order dated 02.12.2020 passed by co-ordinate Bench of this Court in CRM-M-18942 of 2020, vide which, co-accused Dara Singh, who was arrested along with the petitioner has been granted the concession of regular bail. The operative part of the order reads as under :-

“Learned counsel for the petitioner contends that the allegations in the FIR are that the petitioner was a pillion rider on the motorcycle and a recovery of 1100 intoxicant tablets of Clovidol 100-SR total weighing 438.9 grams was allegedly effected from the bag on

the handle of the motorcycle. He also contends that the petitioner is in custody for over a year and is not involved in any other case under the NDPS Act. Learned counsel has relied upon the judgments of the Coordinate Benches of this Court in the case of Kashmir Singh v. State of Punjab in CRM-M No. 7437 of 2019 decided on 21.02.2019, the petitioner therein had been granted regular bail as he was in custody for over seven months and the judgment in the case of Karaj Singh v. State of Punjab in CRM-M No. 23811 of 2018 decided on 09.07.2018, the petitioner therein had been granted regular bail after custody of six months.

Learned State counsel, upon instructions from SI Anita, contends that although 'challan' has been filed, but no prosecution witness has been examined. He states that the petitioner is in custody for over a year.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over a year, he is not involved in any other case under the NDPS Act; the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.”

Learned counsel for the petitioner submits that the petitioner is also similarly situated. For the sake of brevity, the facts are not reproduced.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about 1 year and is not involved in any other case under the NDPS Act. He further submits that charges were framed on

09.02.2021 and out of the 15 witnesses, no witness has been examined so far. Learned counsel further submits that the trial in the case is delayed because of the prevalent Covid-19 situation in the country and it may take long time in its conclusion.

Learned counsel has reiterated that the petitioner was granted interim bail and he has not misused the same and after availing the interim bail, he has surrendered back.

Learned State counsel has filed the custody certificate and has not disputed the actual custody undergone by the petitioner as well as the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting anything upon the merits of the case, considering the aforesaid submissions made by the learned counsel for the parties, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

March 17, 2021
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No