

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29344-2021
Date of Decision : 04.08.2021

Pargat Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jagraj Singh Khiva, 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 petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.289 dated 28.12.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station City Moga, District Moga.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party on receiving a secret information that the petitioner is indulged in selling of intoxicant tablets, conducted a raid and arrested the petitioner and recovered 1700 intoxicant tablets.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about 01 year 01 month and 18 days and is not involved in any other case under the Narcotic Drugs & Psychotropic Substances Act, though he is involved in a case under Indian Penal Code and in that case he is on bail. Learned counsel for the petitioner further submits that the petitioner was granted interim bail till 31.05.2021, vide order dated 07.01.2021, passed by this Court in CRM-M-23077-2020 considering the Covid-19 situation and after availing the interim bail he has

surrendered back and has not misused the same. Learned counsel for the petitioner further submits that though the challan was presented on 30.05.2020 and charges were framed on 15.12.2020, however, till date, no PW has been examined.

Learned State counsel submits that the recovery effected from the petitioner falls under commercial quantity but on the basis of custody certificate, it is not disputed that he is in custody for the last 01 year, 01 month and 18 days and is not involved in any other case under the Narcotic Drugs & Psychotropic Substances Act. It is also not disputed that the petitioner has not misused the concession of interim bail granted by this Court vide order dated 07.01.2021 passed in CRM-M-23077-2020.

Learned State counsel further submits that out of 11 PWs, none has been examined as the trial has been delayed due to Covid-19 situation.

After hearing the learned counsel for the parties, without commenting upon the merits of the case and considering the aforesaid submission and also considering that the petitioner is in long custody; he is not involved in any other case under the Narcotic Drugs & Psychotropic Substances Act and he has not misused the concession of interim bail, 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

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No