

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

**CRM-M No.24179 of 2020 (O&M)
Decided on: 28.10.2021**

Shanbhu Singh @ Shambhu Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.115 dated 20.08.2019, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Bhikhi, District Mansa.

Counsel for the petitioner has submitted that the petitioner was released on interim bail from 05.10.2019 to 13.03.2020, awaiting the report of FSL and thereafter, he surrendered and has not misused the concession of interim bail. It is further submitted that as on today, the custody of the petitioner is 01 year, 08 months and 23 days and till date, even charges have not been framed.

Counsel for the petitioner has also argued that as per the allegations in the FIR, the police party headed by SI Shivji Ram, along

with his co-police officials noticed a car parked on the road side and on suspicion, when it was checked, the person sitting on the driver seat told his name as Salim Khan whereas the person sitting on the conductor seat, told his name as Shanbhu Singh @ Shambhu Singh (petitioner herein) and one white colour bag was lying on the front seat and one bag on the rear seat of the car and the mouth of the same were sealed. On suspicion, a notice under Section 50 of the NDPS Act was given and thereafter, a Gazetted Officer was called at the spot and on checking the same, 75,000 intoxicant tablets were recovered. It is further submitted that the petitioner has no such history of involvement in any such or similar case and one co-accused namely Lakhwinder Singh @ Lakhi has already been released on regular bail vide order dated 19.11.2019 passed in CRM-M No.48172 of 2019.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last 01 year 08 months and 23 days and he is not involved in any other case. Lastly, it is submitted that the case is now fixed for framing of charge and out of 21 PWs, none has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in custody since 01 year 08 months and 23 days; he has not misused the concession of bail while on interim bail earlier granted to him; the charges have not yet been framed and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is

directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

28.10.2021
yakub

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