

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

**CRM-M-29693-2021
Date of decision: 05.08.2021**

Sushil Dhawan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 204 dated 08.12.2018, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Navi Baradari, District Police Commissionerate Jalandhar.

The first petition, bearing CRM-M-36351-2019, was dismissed by this Court on 28.01.2020.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that petitioner is in long judicial custody for about 02 years and 07 months and the case is still at the stage of recording the prosecution evidence.

Learned counsel further submits that as per allegations in the FIR, registered at the instance of ASI Kirpal Singh, it is stated that when he along with other co-officials was on patrol duty in search of bad elements,

he noticed a motorcycle rider coming at a high speed carrying a white color envelope in front of his motorcycle. The complainant along with fellow officials intercepted and stopped the said person. The said persons disclosed his identity as 'Sukhdev Lal'. On suspicion, he was given a notice to be searched before a Gazetted Officer or before a Magistrate and he reposed his faith in the Investigating Officer and thereafter, 1750 capsules of Tramadol were recovered.

Learned counsel for the petitioner further submits that the petitioner was nominated on the disclosure of aforesaid co-accused. It is further submitted that petitioner is not involved in any other case.

Learned counsel further submits that after the arrest of the petitioner, 1200 tablets of Tramadol and 780 capsules of Parvorin Spas were recovered from him.

Learned counsel further submits that considering the long custody of the petitioner and his non-involvement in any other case, he may be enlarged on regular bail.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 02 years, 07 months and 24 days and he is not involved in any other case.

Learned State counsel submits that out of 14 prosecution witnesses, 08 witnesses have been examined and the case is now fixed for recording the further prosecution evidence.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was nominated on the disclosure of the aforesaid co-accused; he is in judicial custody for the last 02 years, 07 months and 24

days; the case is still at the stage of recording the prosecution evidence and also in view of the fact that petitioner is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

05.08.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No