

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

**CRM-M-34641-2021
Date of decision: 03.09.2021**

Harjinder Singh @ Jinder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Balbir Singh Sewak, Addl. A. G., Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the fourth 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. 347 dated 25.12.2018, registered under Section 18 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Civil Lines, Patiala.

Learned counsel for the petitioner submits that earlier on two occasions, the petitioner was granted concession of interim bail and he has surrendered back in time without misusing the same and, therefore, the present petition has been filed.

Learned counsel for the petitioner relies upon order dated 04.08.2021 passed in CRM-M-29386-2021, vide which co-accused Pawan Kumar has been granted concession of regular bail by this Court in similar circumstances. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as

per the allegations in the FIR, registered on receiving a secret information that Bhinder Singh, Harjinder Singh @ Jinder and petitioner Pawan Kumar are coming in a private vehicle and they are habitual of selling opium.

On receiving such information, FIR was registered and a raiding party was prepared which was headed by ASI Beant Singh and they apprehended petitioner Pawan Kumar who was driving the car bearing registration No.HR-16J-4077 and recovery of 06 kg of opium was effected.

Learned counsel for the petitioner submits that earlier on two occasions, the petitioner was granted the concession of interim bail, firstly for awaiting report of FSL, vide order dated 09.04.2019, passed by this Court in CRM-M-15270-2019 and then vide order dated 28.08.2020, passed in CRM-M-10550-2020 and he has not misused the same. After availing the interim bail, the petitioner has surrendered back. Learned counsel for the petitioner further submits that the petitioner is in custody for the last 02 years 01 month and 09 days and he is not involved in any other case.

Learned counsel for the petitioner submits that there are moot points to be decided during the trial are regarding the non-compliance of Sections 42 and 50 of the Act. It is further submitted that out of 12, only 5 PWs have been examined so far as the trial was delayed substantially due to COVID-19 situation and will take sometime.

Learned State counsel has filed the custody certificate and as per the said custody certificate, the petitioner is in custody for more than 02 years 01 month and 09 days and he is not involved in any other case.”

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is

in judicial custody for the last 02 years, 03 months and 04 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner, 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/Illaqa Magistrate, concerned.

03.09.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No