

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

CRM-M-35866-2021
Decided on : 07.09.2021

Tarsem Singh @ Sema Petitioner
Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashok Saini, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

This is the 3rd petition filed under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No.92 dated 01.07.2018, registered under Sections 22 and 61 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Bhikhiwind, District Taran Taran.

The earlier petition bearing No. CRM-M-23099 of 2019 was dismissed as withdrawn on 22.07.2019 and the second petition bearing No.CRM-M-48674 of 2019 was dismissed on 24.09.2020.

Learned counsel for the petitioner submits that new ground for filing the present petition is that the petitioner is in custody for the last 02 years, 06 months and 25 days, no PWs has been examined.

Learned counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of ASI Puran Singh, he

apprehended a young person on suspicion of carrying some intoxicants

substances. On inquiry, he informed his name as Tarsem Singh @ Sema (petitioner) and the complainant gave a notice to the petitioner to be searched by a Gazetted Officer or a Magistrate on which he reposed confidence in the investigating officer. On search of the petitioner, 900 intoxicant tablets were recovered.

Learned counsel for the petitioner submits that it is the matter of trial whether the provisions of Section 42 and 50 of the NDPS Act have been properly complied with by the investigating officer. He further submits that the petitioner is in custody for the last 2 years, 6 months and 25 days and the prosecution evidence is yet to start.

Learned State counsel has filed custody certificate and has not disputed the factual position.

It is submitted that the charges have been framed on 12.02.2019. However, till date no witness has been examined and the trial has been delayed due to Covid-19 situation. However, it is submitted that the petitioner is involved in two other cases under NDPS Act, though he is on bail.

After hearing the learned counsel for the parties, without commenting upon the merits of the case and also considering the fact that till date no prosecution witness has been examined and the petitioner is

continuing to be in custody for the last 2 years, 6 months and 25 days, 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/Illaqa Magistrate concerned.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No