

In virtual Court

CRM-M-4699-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4699-2021 (O&M)
Date of decision: 08.02.2021

Sukhwinder Singh @ Kaka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Saurav Khurana, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 3rd petition for grant of regular bail in FIR No.88 dated 22.07.2018 under Section 22 of NDPS Act, registered at Police Station Shambhu, Patiala; first petition was dismissed as withdrawn on 03.04.2019 and second one on 27.08.2019.

Learned counsel for the petitioner submits that new ground for filing this petition is that as on today, the petitioner has undergone 02 years, 06 months and 10 days of custody; he is not involved in any other case; the case is still at the stage of recording the prosecution evidence and out of total 12 prosecution witnesses, only 06 PWs have been examined so far and the trial has considerably delayed due to COVID-19 situation in the country. It is further submitted that as per allegations in the FIR, the petitioner was a co-passenger in

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a commercial vehicle, which was driven by driver and owner Raj Kumar and 219 injections of OMGESIC of 2 ml each were recovered. It is also submitted that the recovery was effected from a bag between the driver and passenger seat, however, it will be a matter of trial whether the petitioner was in conscious possession of the same.

Learned State counsel, on the basis of custody certificate dated 08.02.2021 filed in the Court today, has not disputed that the petitioner has undergone 02 years, 06 months and 10 days of custody and is not involved in any other case under NDPS Act.

Without commenting anything on merits of the case, considering long custody of the petitioner and contents of the FIR, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

08.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No