

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 38670 of 2021

Date of Decision: 22.9.2021

Bunti Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 71 dated 5.7.2018 under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sujanpur, District Pathankot.

Custody certificate by way of affidavit of Additional Superintendent, Central Jail, Kapurthala dated 21.9.2021 has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that in the present case, the raid was conducted on the basis of secret information; that the alleged contraband was recovered from the truck in question and the petitioner was not the owner of the said truck; that no recovery was effected from the petitioner; that the petitioner was arrested on 28.11.2019 i.e. after more than one year of the occurrence and since then he is in custody; that

there are four accused in the present FIR including the petitioner and that no other case of similar nature is pending against the petitioner.

Learned State counsel has not disputed the custody period undergone by the petitioner and submits that out of 18 prosecution witnesses, 07 have been examined.

I have heard the learned counsel for the parties.

In the present case, the petitioner was arrested after more than one year of the occurrence. As per the custody certificate, the petitioner has been in custody for the last 01 year, 09 months and 24 days. Moreover, out of 18 prosecution witnesses, only 07 have been examined so far. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

September 22, 2021
Gurpreet

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