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

**CRM-M-42745-2021
Date of decision: 14.10.2021**

RAJWINDER SINGH @ RAJU

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0035 dated 26.02.2020, registered under Sections 22/61/85 of the NDPS Act, 1985 at Police Station Civil Lines, District Bathinda, Punjab

The earlier petition bearing No. **CRM-M-21034-2020** was dismissed as withdrawn on 19.08.2020.

Learned counsel for the petitioner submits that since the petitioner is in judicial custody for the last more than 01 month and 07 days and till date the trial has not commenced, he may be granted the concession of regular bail.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of ASI Kulwinder Singh, it is stated that apprehended two persons i.e. petitioner Rajwinder Singh @ Raju and Gurcharan Singh @ Gora on suspicion that they are carrying intoxicant tablets in their possession. Thereafter, SI Jagsir Singh was called at the spot, who by giving a notice under Section 50 of the NDPS Act conducted the search and 2900 tablets of *Clovidol-100 SR* were recovered from their possession.

Learned counsel for the petitioner further submits that it will be a matter of trial whether the provisions of Section 42 of the NDPS Act were followed or not. It is also argued that the co-accused namely Gurcharan Singh @ Gora has already been released on bail by this Court and despite the fact that the *challan* was presented on 06.08.2020, no prosecution witness has been examined so far.

Learned State counsel has filed the custody certificate in Court and as per the same, the petitioner is in judicial custody for the last 01 year 07 months and 25 days and is involved in one more case of similar nature.

Learned State counsel further submits that the recovery was effected from the petitioner, however, charges have been framed and out of 11 prosecution witnesses, no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the long custody of the petitioner i.e. 01 year 07 months and 25 days; the stage of the trial, which is yet to commence as no prosecution witness has been examined and also in view of the fact that co-accused has been granted the concession of regular bail, 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.

14.10.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No