

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.45186 of 2021(O&M)

Date of Decision: 03.11.2021

Sanjeev Roshan @ Parmod Giri

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILLPresent: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Harnaresh Singh Gill, J. (Oral)

The case is being taken up for hearing through video conferencing.

Prayer is for grant of regular bail filed under Section 439 Cr.P.C. in case FIR No.81 dated 13.07.2018 under Section 18 of Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Rampura, District Bathinda.

Custody certificate by way of affidavit dated 02.11.2021 of the Deputy Superintendent, Central Jail, Ferozepur, submitted by the learned State counsel, is taken on record.

Learned counsel for the petitioner states that no recovery was effected from the petitioner. The alleged recovery was effected from the rear seat of the car whereas the petitioner was sitting adjoining to the driver-Kawaldeep Singh who has also been granted regular bail by this Court vide order dated 25.10.2021. It is further submitted that the petitioner has been in custody for the last more than 3 years and 3 months and there is no other case against the petitioner under the NDPS Act.

Per contra, learned State counsel while opposing the prayer for grant of regular bail to the petitioner has pointed out that the third co-accused who is confined

in jail at Patna has not been produced in the present case and because of that reason, the prosecution witnesses could not be examined. Learned State counsel has also not disputed the fact that the petitioner has been in custody for last more than 3 years and 3 months.

I have heard learned counsel for the parties.

In the present case, the petitioner has been in custody for last more than 3 years and 3 months and prosecution witnesses are yet to be examined. Moreover, the co-accused has also been granted bail by this Court vide order dated 25.10.2021 and no other case is pending against the petitioner under the NDPS Act. Keeping in view the fact, the trial of the case would take time to conclude, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/ Duty Magistrate.

3rd November, 2021

Sonia Puri

(HARNARESH SINGH GILL)
JUDGE

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