

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46352-2021 (O&M)
Date of decision: 11.11.2021

Harpal Ram @ Harpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.137 dated 23.07.2019 under Section 22 of NDPS Act and Sections 489 & 411 IPC (added later on), registered at Police Station Samana, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police received a secret information that Harpal Ram-petitioner is indulged in selling of intoxicant tablets to the people in the nearby area and can be apprehended. On receiving such information, ruqa was sent to the police station and FIR was registered. Thereafter, when the petitioner was apprehended, 1200 loose intoxicant tablets were recovered from him, however,

no notice under Section 50 of NDPS Act was given. It is further submitted that the petitioner is in custody for the last 01 year, 06 months and 10 days and is not involved in any other case under NDPS Act; charges have been framed, however, out of total 15 prosecution witnesses, none has been examined so far.

Learned State counsel has filed the custody certificate dated 11.11.2021 in the Court today and has not disputed the factual position. It is submitted that the trial could not commence due to COVID-19 situation in the country. It is further submitted that since it is a case of chance recovery, it will be a matter of trial whether compliance of Section 50 of NDPS Act was required to be made or not.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid submissions and also considering long custody of the petitioner and stage of the trial, 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

11.11.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No