

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47258-2021 (O&M)

Date of decision: 17.11.2021

Harmesh Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv 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.44 dated 04.04.2019 under Sections 22/25/29/61/85 of NDPS Act, registered at Police Station Kotwali, Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the petitioner was nominated on the basis of disclosure statement of co-accused Rahul Aggarwal and Surender Kumar. It is further submitted that co-accused Rahul Aggarwal has already been granted the concession of bail by this Court vide order dated 07.01.2021 passed in CRM-M-23654-2020. The operative part of this order reads as under: -

“...Learned counsel for the petitioner submits that the new ground for filing the present petition is that petitioner is in judicial

custody for the last about one year and nine months and till date, not even a single prosecution witness has been examined.

Learned counsel further submits that as per allegations in the FIR, the petitioner was found to be in possession of a commercial quantity of intoxicant tablets along with some money.

Learned State counsel has filed the custody certificate and has not disputed the fact that trial is delayed due to COVID-19 situation and till date, no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last about one year and nine months and the trial is likely to take a long time in its conclusion as no prosecution witness has been examined so far, the instant petition is disposed of and the petitioner is ordered to be released on interim bail till 31.05.2021, on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders”

Learned counsel has further submitted that three co-accused of the petitioner, namely Surinder Kumar, Sandeep Kumar and Varinder Kumar have been granted the concession of bail vide order dated 14.01.2021 passed in

CRM-M-705-2021, the order dated 14.01.2021 passed in CRM-M-998-2021 and the order dated 27.01.2020 passed in CRM-M-46517-2019, respectively. It is also submitted that the petitioner is in custody for the last 02 months and 22 days and is not involved in any other case.

Learned State counsel, on the basis of custody certificate dated 17.11.2021, filed in the Court today, has not disputed the factual position, however, submits that challan stands presented.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid facts and circumstances of the case, 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

17.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No