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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.51661 of 2021 (O&M)
Decided on: 16.12.2021

Rajveer Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 4th petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.210 dated 04.10.2019, for offence punishable under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station Sadar Jagraon, District Ludhiana.

Counsel for the petitioner has submitted that the new ground for filing this 4th petition is that the petitioner is in long custody.

Counsel for the petitioner has relied upon the order dated 22.07.2021 passed in CRM-M No.26268 of 2021, vide which the co-accused of the petitioner namely Gaurav Singh, has been granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that as

per allegations in the FIR, registered at the instance of ASI Gursewak Singh, when he was on patrol duty along with co-officials, he received a secret information that coaccused Rajveer Singh and Pawan Kumar are indulged in the business of procuring intoxicant tablets from U.P. and they are going to supply the same in different cities of Punjab. It is further stated that they along with three other persons are coming in Bolero bearing registration No.UP-26-AB-2238 with huge quantity of intoxicant tablets. Thereafter, information was sent to the police station and second Investigating Officer SI Chamkaur Singh was deputed, who put barrier and stopped the aforesaid vehicle, in which five persons including the petitioner were travelling. From search of dashboard of the vehicle, one envelope containing 200 gm intoxicant powder and from the backseat, a bag containing 25200 intoxicant tablets of Alprazolam 0.5 mg were recovered.

Learned counsel for the petitioner has further submitted that there are moot points involved in the case regarding recording of consent of the petitioner on the consent memo as well as compliance of Section 42 of NDPS Act, which are to be decided during the course of trial. It is also submitted that driver of the car was one Krishan Kumar and the petitioner was not named in the secret information. It is further submitted that the petitioner is in long custody of 01 year, 09 months and 12 days and is not involved in any other case and till date, charges have not been framed.

Learned State counsel has filed the custody certificate dated 22.07.2021 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year, 09 months and 12 days; he is not named in the secret information and is not involved in any other 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.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that challan stands

presented and charges have been framed, however till date, no prosecution witness has been examined and the petitioner is in custody for the last 02 years and 02 months and he is not involved in any other case.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years and 02 months; he is not involved in any other case; the co-accused of the petitioner is already released on bail; challan stands presented; no PW has been examined so far and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.12.2021

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