

In virtual Court

CRM-M-47185-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47185-2019 (O&M)
Date of decision: 09.08.2021

Harmesh Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jagtar Singh, Advocate for
Mr. Kuldip Singh, 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.100 dated 25.05.2019 under Section 21 of NDPS Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Tarlochan Singh, while on patrol duty to check the suspicious persons, he got an information that Paramjit Singh @ Laddu and petitioner Harmesh Singh are in the business of supplying heroin and if a raid is conducted, they can be caught red-handed. On receiving such

information, SI Tarlochan Singh informed to Inspector/Investigating Officer on the phone, on which a raiding party was prepared and a barrier was laid and car was seen coming. When the Investigating Officer gave signal to stop the car, its driver tried to escape, however, he was nabbed. He disclosed his name as Harmesh Singh, whereas the person sitting along with him disclosed his name as Paramjit Singh @ Laddu. Thereafter, by giving a notice under Section 50 of NDPS Act, the Investigating Officer called the DSP and conducted search, in which 01 kg of heroin was effected. It is further submitted that the petitioner is in custody for the last 02 years, 02 months and 08 days; he is not involved in any other case and the trial is still at the stage of recording the prosecution evidence. It is also submitted that a perusal of the FIR would reveal that only the information was given to the Inspector without complying with the provisions of Section 42 of NDPS Act and it will be a matter of trial whether proper procedure was followed or not.

Learned State counsel has filed the custody certificate dated 07.08.2021 in the Court today and has not disputed the factual position. It is submitted that 01 kg of heroin was recovered from the petitioner and co-accused Paramjit Singh @ Laddu. It is further submitted that out of total 11 prosecution witnesses, only 03 PWs have been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody; he is not involved in any other case; only 03 PWs have been examined, out of total 11 PWs and due to COVID-19 situation, the trial is not

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likely to conclude early, 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.

09.08.2021
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No