

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 52445 of 2019

Date of Decision: 24.3.2021

Sandeep Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. G.S.Madaan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner seeks regular bail in FIR No. 31 dated 05.4.2019 under Section 22 of NDPS Act, 1985 registered at Police Station GRP, District Bathinda.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Officer Govt. Railway Police, Punjab, Ferozepur, dated 17.3.2021, filed in the Registry, is taken on record.

Custody certificate by way of Deputy Superintendent, Central Jail, Bathinda dated 24.3.2021, has been filed in Court, which is taken on record.

Learned counsel for the petitioner submits that the present FIR was lodged on 05.4.2019 and since then the petitioner has been in custody. He further submits that Head Constable Dinesh Kumar, who is alleged to have apprehend the petitioner, is an accused in FIR No. 83 dated 06.5.2019

under Section 22 of the NDPS Act, registered at Police Station Canal

Colony, Bathinda and, thus, it would be debatable that whether the recovery team had clear antecedents at that stage.

Learned State counsel, on instructions from ASI Inderjeet Singh, submits that recovery effected from the petitioner, is on the higher side but he has not disputed the fact that the petitioner has been in custody for the last 01 year, 11 months and 17 days. He further submits that out of 11 prosecution witnesses, none has been examined till date.

I have heard the learned counsel for the parties.

As per the custody certificate, the petitioner has been in custody for the last 01 year, 11 months and 17 days and there is no other case against him and Head Constable Dinesh Kumar, who is alleged to have apprehend the petitioner, is accused in FIR No. 83 dated 06.5.2019. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 24, 2021
Gurpreet

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