

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.54388 of 2019 (O&M)

Date of decision: 18.03.2021

Pawan Deep Singh @ Pankaj

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raina Sabharwal Thakur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-8740-2021

Prayer in this application is for preponing the date fixed in the main petition.

Heard.

For the reasons stated in the application, the same is allowed and the main case, which is fixed for 23.07.2021, is taken up today for hearing.

CRM-M-54388-2019 (O&M)

Prayer in this 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.65 dated 14.07.2019, registered under Sections 21 and 29 of the NDPS Act, 1985 at Police Station Kathgarh, District S.B.S. Nagar.

Counsel for the petitioner has submitted that the co-accused of the petitioner namely Munish Kumar, has already been released on interim bail by this Court, vide order dated 13.01.2021 passed in CRM-M No.4127 of 2020. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that petitioner is in judicial custody since 18.07.2019 and out

of total 11 prosecution witnesses, 10 witnesses have been examined so far and thereafter, the petitioner is to lead his defence evidence.

Learned counsel further submits that as per allegations in the FIR, 350 grams of Heroin were recovered from the petitioner, which falls in commercial quantity, however, keeping in view the long custody of the petitioner and also in view of the fact that trial is not proceeding, the petitioner may be granted concession of interim bail.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position. It is also not disputed that the case is still at the stage of recording evidence of prosecution witnesses.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 18.07.2019 and also in view of the fact that though physical hearings in trial Courts have started but there is a heavy backlog and it may not be possible for the trial Court to conclude the trial expeditiously, 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 bonds and two heavy sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Counsel for the petitioner has argued that the petitioner has been nominated in the case on the basis of the disclosure statement made by the co-accused namely Munish Kumar and no recovery has been effected from the petitioner.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last 01 year, 07 months and 27 days and all the prosecution witnesses have already been examined. Lastly, it is argued that the marriage of the younger sister of the petitioner namely Parminder Kaur, is scheduled for 19.03.2021 and therefore, he may be

granted the concession of bail.

Counsel for the State on instructions from ASI Ranjit Singh has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also not disputed the fact that the marriage of the younger sister of the petitioner is scheduled for 19.03.2021 and in this regard, the verification has been done and statements of Sandeep Kaur, Sarpanch, Sohan Singh, Lambardar and Surjit Kaur, has already been recorded and is placed on record as '*Mark X.*'

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 18.07.2019; the marriage of the younger sister of the petitioner is scheduled for tomorrow i.e. 19.03.2021 and also in view of the fact that though physical hearings in trial Courts have started but there is a heavy backlog and it may not be possible for the trial Court to conclude the trial expeditiously, 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 bonds and two heavy sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

18.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No