

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-770-2022 (O&M)
Date of decision: 21.12.2022

Abhishek Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 3rd petition is for grant of regular bail in FIR No.62 dated 05.04.2019 under Sections 20/25/29/61/85 of NDPS Act, registered at Police Station Canal Colony, District Bathinda; first petition i.e. CRM-M-29587-2019 was dismissed as withdrawn and in the second petition, the petitioner was granted interim bail due to COVID-19 situation and thereafter, he has surrendered back.

Learned counsel for the petitioner submits that during the period, when the petitioner was on interim bail, he has not misused the concession in

any manner and is not involved in any other case.

As per allegations in the FIR, ASI Gurpal Singh along with other police officials was on patrol duty, when he stopped a car on suspicion. The driver disclosed his name as Ajay Sharma and the person sitting on the co-driver seat disclosed his name as Abhishek Kumar (petitioner). From search of the car, 04 kg 200 gram of charas was recovered.

Learned counsel has further submitted that the petitioner is in long custody of 03 years and 11 days and only 01 PW has been examined so far. Learned counsel has produced the zimni orders passed by the trial Court, to submit that though one PW was examined way back in 2020, however, the case was either adjourned due to COVID-19 situation orailable/non-ailable warrants are issued against other witnesses, who are not appearing. It is submitted that the position is same till date, as only 01 PW has been examined and examination-in-chief of PW2 is recorded, though he has not come forward for further cross-examination.

Learned State counsel has filed the custody certificate 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 after going through the zimni orders passed by the Judge, Special Court, which reflects that only 01 PW has been examined so far and also considering the fact that the petitioner has not misused the concession of interim bail; he is in long custody of 03 years and 11 days 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.

Petition is disposed of.

21.12.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No