

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-636-2021 (O&M)  
Date of decision: 07.07.2022

Pawan Kumar @ Pamma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

\*\*\*\*\*

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2<sup>nd</sup> petition is for grant of regular bail in FIR No.304 dated 15.12.2019 under Section 22 of NDPS Act, registered at Police Station Lambi, District Sri Muktsar Sahib; earlier one i.e. CRM-M-25491-2020 was dismissed as withdrawn on 04.09.2020.

On 14.02.2022, the Coordinate Bench of this Court granted interim bail to the petitioner, by passing the following order: -

*“On 06.09.2021, through the following order, this Court had granted the petitioner interim bail:-*

*“The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.304 dated 15.12.2019 registered under Section 22 of the Narcotic*

*Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) at Police Station Lambi, District Sri Muktsar Sahib.*

*The petitioner is being prosecuted for having been found to be in illegal possession of 1400 tablets containing Tramadol Hydrochloride.*

*Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he is in custody since 15.12.2019; investigation in this case is complete; for the last several months there is no progress in his trial for which he cannot be blamed and that since fourteen prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.*

*Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found to be in illegal possession of 1400 tablets containing Tramadol Hydrochloride and that there is another case pending against him under the NDPS Act.*

*On one hand the petitioner has been in custody for the last over one year and eight months; investigation in the case is complete; for the last several months there is no progress in his trial due to COVID-19 pandemic for which he cannot be blamed and that since fourteen prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude and on the other hand, the petitioner is being prosecuted for having been found to be in illegal possession of 1400 tablets containing Tramadol Hydrochloride and that in an another case under the NDPS Act he is facing trial for having been found to be in illegal possession of 60 tablets containing*

*Tramadol Hydrochloride.*

*After considering the totality of the above facts, while adjourning the present petition to 07.12.2021, it is considered just and appropriate to direct that subject to the satisfaction of the CJM/Duty Magistrate, Sri Muktsar Sahib the petitioner be released on interim bail till 05.12.2021.*

*It is clarified that on the adjourned date, subject to the petitioner's surrender, further orders in the present petition would be passed on its merits after considering the conduct of the petitioner and progress in his trial.”*

*It is not disputed that while on interim bail, the petitioner did not misuse such concession; his trial is still going on at a snail's pace and that as on date the petitioner has suffered custody for over 02 years.*

*After considering the reasons given in the afore-quoted order as also above facts while adjourning the present petition to 07.07.2022, it is considered just and appropriate to direct that subject to the satisfaction of the CJM/Duty Magistrate, Sri Muktsar Sahib the petitioner be released on interim bail till 13.06.2022.*

*It is clarified that on the adjourned date, subject to the petitioner's surrender before the jail authorities, further orders in the present petition would be passed on its merits after considering the conduct of the petitioner and the progress in his trial.”*

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, filed in the Court today, is taken on record, in which, after verifying the contents of the FIR, it is stated that as per FSL report, salt Tramadol Hydrochloride was found in the recovery effected.

Learned State counsel further submits that out of total 14 prosecution witnesses, only 01 PW has been examined and next date before the trial Court for recording further prosecution evidence is fixed for 28.10.2022.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that due to COVID-19 situation, pendency/disposal of criminal trial is delayed substantially, this petition is allowed and the order dated 14.02.2022, granting interim bail to the petitioner, is hereby made absolute.

[ ARVIND SINGH SANGWAN ]  
JUDGE

07.07.2022  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No