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

CRM-M No.1316 of 2021 (O&M)

Date of decision: 30.03.2022

Amandeep Singh @ Aman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Dassaur, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0133 dated 10.09.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 21 of the NDPS Act, added later) at Police Station City Nawanshahr, District S.B.S. Nagar.

Counsel for the petitioner has argued that the FIR was registered on a complaint given by ASI Balbir Ram, that while on a petrol duty, he received a secret information that the petitioner is a drug peddler and is coming in a TATA Ace vehicle carrying intoxicant injections and is looking for selling the same. Thereafter, an information was sent to the Police Station for registration of the FIR. Thereafter, ASI Surinderpal was deputed and he came at the spot and called the Deputy Superintendent of Police, Nawanshahr.

Counsel for the petitioner has further submitted that thereafter, in the presence of the Deputy Superintendent of Police, the search was conducted and 75 injections of Buprenorphine and 75 injections of AVIL were recovered. It is also submitted that the petitioner is in custody for the last 02 years, 06 months and 20 days and

as per the report, submitted by the trial Court, only 01 PW has been examined so far out of 14 PWs, though, the charges were framed on 15.12.2020.

Apparently, due to COVID-19 situation, the trial was delayed.

Counsel for the State on the basis of the Custody Certificate as well as the affidavit of the Deputy Superintendent of Police, Nawanshahr, has not disputed the factual position, however, it is submitted that the petitioner is involved in 01 more case, though, he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 06 months and 20 days; out of 14 PWs, only 01 PW has been examined; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.03.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No