

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

**CRM-M-3453-2022
Date of decision: 01.04.2022**

Arvinder Singh @ Veeru

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the fifth petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail/interim bail to the petitioner in case FIR No. 83 dated 17.08.2017, registered under Section 18 of the NDPS Act, 1985 at Police Station Bahawala, District Fazilka.

Learned counsel for the petitioner submits that the earlier three petitions were filed for grant of interim bail and the fourth petition was filed for grant of regular bail, which was dismissed as withdrawn and now the new grounds for filing the present petitions are that the petitioner is in judicial custody for the last more than two years and the trial is still at the stage of recording the statement of the prosecution witnesses.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered at the instance of ASI Sajjan Singh, it is stated that while on patrol duty, a car was seen coming, in which two

persons were sitting. The said car was signalled to stop. The driver of the car tried to escape, however, he was apprehended by the police party and on inquiry, he disclosed his name as Arvinder Singh @ Veeru, i.e. the petitioner and the person sitting on the conductor seat disclosed his name as Gurmukh Singh. Thereafter, on the search of the car in the presence of a Gazetted Officer, 12 kgs. of Opium was recovered.

Learned counsel for the petitioner further submits that the petitioner is a first offender and when he was on interim bail, he has never misused the same and has surrendered back in time.

Learned counsel further submits that co-accused Gurmukh Singh has already been granted the concession of regular bail by this Court, vide order dated 13.01.2019 passed in CRM-M-32543-2019.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last more than two years and he is not involved in any other case. Learned State counsel submits that out of total 30 prosecution witnesses, only 05 witnesses have been examined as the trial was delayed due to COVID-19 situation.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender; he is not involved in any other case; he is in judicial custody for the last more than two years; he has availed interim bail without any default and also in view of the fact that conclusion of trial is likely to take some time as out of total 30 prosecution witnesses, only 05 witnesses have been examined so far, the instant petition

is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

01.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No