

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4198-2021

DATE OF DECISION: FEBRUARY 17, 2022

HARWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. K.S. BRAR, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG. PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.115 dated 7.7.2018, under Section 22 NDPS Act, Police Station Canal Colony, District Bathinda, who is in custody since his arrest on 7.7.2018.

As per the allegations levelled in the FIR, on 7.7.2018 when Incharge Ganeshwar Kumar, Police Post, Vardhman alongwith other police officials was patrolling reached Shaheed Bhagat Singh Nagar, Gali No.8, a man was seen coming from the main road holding a transparent envelope, white colour in his right hand. On seeing the police party, he got perplexed and tried to turn back who was apprehended and on asking, disclosed his name as Harwinder Singh. On his search, 1960 tablets of mark XL-PAM 0.5 Alprazolam were recovered. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that though the contraband (1960 tablets of DP-LAM 0.5 Alprazolam) would fall within the ambit of commercial quantity, but the trial is progressing at a slow place as

over a period of 3½ years, the prosecution has failed to discharge the onus. He has produced the zimni orders passed by the trial Court and submitted that SI Parvinder Singh is the only witness who remains to be examined, but despite issuance of warrants, he is not appearing before the trial Court. He prays for bail.

On the other hand, learned State counsel assisted by HC Jaskaran Singh has opposed the aforesaid prayer, but does not dispute this fact that out of total 11 prosecution witnesses, three witnesses stand examined and only SI Parvinder Singh remains to be examined, whereas rest of the witness have been given-up. He has further produced the custody certificate of the petitioner dated 16.2.2022, filed by way of affidavit of Inderjeet Singh Kahlon, PPS, Additional Superintendent, Central Jail, Bathinda, which indicates that he is not involved in any other case of similar nature.

Considering the above background, the length of custody of the petitioner and the fact that the trial is being delayed without a valid reason, the further detention of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody since 7.7.2018.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 17, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes/No