

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

CRM-M No.5473 of 2021 (O&M)

Date of decision: 20.04.2022

Raghwinder @ Raju

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Sharma, 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.47 dated 15.04.2015, registered under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Goraya, District Jalandhar City.

Counsel for the petitioner has submitted that as per the allegations in the FIR, ASI Gurmeet Singh while on petrol duty, noticed the petitioner and on suspicion, he was stopped and 225 gms of intoxicant substance was recovered from. It is further submitted that later on, the petitioner was granted default bail vide order dated 15.10.2015 by the trial Court and he was appearing before the trial Court, however, he absented from the Court proceedings on 23.03.2017 and was declared proclaimed offender on 28.11.2017. It is also submitted that the petitioner was re-arrested on 23.02.2020 and since then, he is in judicial custody.

Counsel for the petitioner has also argued that due to COVID-19 situation, the trial was not proceeding and as on today, the total custody of the petitioner is 02 years and about 08 months. Lastly, it is submitted that out of 14 PWs, only 02 PWs have been examined, so far.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in 02 more cases of NDPS Act.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years and 08 months; at one point of time, he was granted default bail and even after his arrest, he is in custody for a period of about 02 years; the custodial interrogation of the petitioner is not required; only 02 PWs have been examined out of 14 PWs and the conclusion of the trial will take some time, 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

20.04.2022

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No