

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5654-2021 (O&M)
Date of decision: 08.02.2022

Pardeep Kumar Sharma

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.65 dated 28.06.2020 under Section 22/61/85 of NDPS Act, registered at Police Station Sanaur, District Patiala; earlier one was dismissed as withdrawn vide order dated 09.10.2020.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of SI Daljit Singh, he received a secret information that Pardeep Kumar Sharma is running a doctor shop privately and is selling intoxicant tablets and is coming on a motorcycle. On this, a message was sent to the police station for registration of FIR and thereafter, the petitioner was apprehended with 700 intoxicant tablets, which as per FSL report

were found to be containing Diphenoxylate Hydrochloride. It is further submitted that the petitioner is first offender; he is in custody for the last 01 year, 07 months and 10 days and despite the fact that charges were framed on 26.11.2020 and a period of about more than 01 year and 04 months has lapsed; out of total 09 prosecution witnesses, only 03 PWs have been examined and the trial is substantially delayed due to COVID-19 situation.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody; he is first offender and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

08.02.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No