

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

**CRM-M-6147-2022
Date of decision: 10.05.2022**

Lovepreet Singh @ Kaka @ Navpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 226 dated 19.10.2020, registered under Sections 22(c) and 29 of the NDPS Act, 1985 at Police Station Sadar Patti, District Tarn Taran, Punjab.

The first petition, bearing CRM-M-18291-2021, was dismissed as withdrawn on 22.11.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in long judicial custody and one of the co-accused has already been granted the concession of regular bail by this Court.

Learned counsel for the petitioner relies upon order dated 22.11.2021 passed in CRM-M-17375-2021, vide which co-accused Kulwant Singh has been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the petitioner is in judicial custody for the last about 11 months and 10 days and as per the allegations in the FIR, the police party headed by SI Charanjit Singh, a person was seen coming on foot holding one polythene bag in his right hand and on seeing the police party, he became perplexed and tried to fled away by throwing the polythene bag near the bushes on the side of the road, however, he was apprehended by the police party on suspicion and disclosed his name as Lovepreet Singh @ Kaka. Thereafter, by following a procedure, the polythene was checked and it contained 3510 intoxicant tablets.

Learned counsel for the petitioner further submits that after the recovery was effected, an information was sent to the police station for registration of the FIR and, therefore, it will be a matter of trial whether provisions of Section 42 of the NDPS Act were properly followed or not.

Learned counsel for the petitioner further submits that the petitioner was in fact nominated on the disclosure of co-accused Lovepreet Singh @ Kaka in the present case and except the disclosure of the co-accused, nothing has come against the petitioner.

Learned State counsel however submits that the petitioner is involved in one more FIR under the NDPS Act, though he is on bail as per the custody certificate dated 24.08.2021.

Learned State counsel further submits that charges were framed on 15.04.2021, however, out of 13 prosecution witnesses, no prosecution witness has been examined as the trial was delayed due to the COVID-19 situation in the country.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner further submits that though the aforesaid co-accused was nominated on the basis of disclosure statement, however, it was noticed in the aforesaid order that after the recovery was effected, only thereafter information was sent to the police station for registration of the FIR and, therefore, it will be a matter of trial whether the provisions of Section 42 of the NDPS Act were properly complied with or not.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last 01 year, 05 months and 19 days and he is not involved in any other case.

Learned State counsel has filed the custody certificate and has not disputed the factual position. It is submitted by learned State counsel that charges were framed on 24.02.2021, however, till date out of total 13 prosecution witnesses, none has been examined. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 05 months and 19 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, 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/Illaq Magistrate, concerned.

10.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*