

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8482 of 2022

Date of Decision: 23.03.2022

Karamjit Singh alias Karma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vipul Jindal, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondent.

Anil Kshetarpal, J.

1. This is the petitioner's third attempt to get the regular bail, pending trial, in the FIR No. 67 dated 01.07.2018, registered under Section 379B, 420 and 473 IPC and Section 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”) and Section 25 and 27 of the Arms Act, 1959, at Police Station Mehna, District Moga.

2. The first petition, for grant of bail to the petitioner, was dismissed as withdrawn by this Court. Whereas the second petition was dismissed on 14.05.2019, on the statement of the learned counsel representing the State of Punjab that the petitioner is involved in two more cases.

3 As per the case of the prosecution, two cars, along with certain accused were apprehended. From the co-passenger in the petitioner's car, 200 grams of intoxicant power containing salt “Diphenoxylate Hydrochloride” was recovered, whereas, from the passengers of another car, 150 grams of intoxicant power containing salt “Diphenoxylate Hydrochloride” was recovered. It was further alleged that the petitioner is in

the habit of snatching the vehicles and selling them. The learned counsel representing the State has informed the Bench that the petitioner is involved in two more cases on account of theft of the vehicles involved in the case.

4. The petitioner is in custody for the last 3 years and 8½ months. On 07.03.2022, the learned State counsel was requested to apprise the Court as to whether any charge under the 1985 Act was framed against the petitioner or not. A status report has been filed under the signatures of the Deputy Superintendent of Police, Dharamkot, District Moga. In the status report, it has been pointed out that the prosecuting agency did not present the challan under the 1985 Act against the petitioner.

4. The petitioner has already suffered incarceration for a period of 3 years and 8½ months. The petitioner is alleged to be involved in two more cases under the 1985 Act. However, the recovery is alleged to be of non-commercial quantity.

5. Keeping in view the aforesaid facts and in the considered opinion of this Court, the petitioner has already suffered incarceration for a long time, hence, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Area Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

March 23, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No