

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-9974 of 2022

Date of Decision: 09.11.2022

Pal Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner(s).

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab, for the respondent.

Anil Kshetarpal, J.

1. This is the petitioner's fifth attempt to get bail during the pendency of trial in FIR No.17 dated 21.01.2019, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the 1985 Act"), at Police Station Dharamkot, District Moga.

2. As per the case of the prosecution, five bags of poppy husk, in total weighing 150 kgs., were recovered from the possession of the petitioner. The bail has been sought on the ground that the petitioner has already undergone more than three years and nine months as an undertrial. He is not involved in any other case under the 1985 Act. It has been stated that the trial of the case is progressing at a snail's pace.

3. On the other hand, the learned counsel representing the respondent submits that the prosecution has already recorded the evidence of

two witnesses out of 11 that are proposed to be examined.

4. The learned counsel representing the petitioner relies upon the order passed by the Supreme Court in *Mahmood Kurdeya v. Narcotics Control Bureau (Criminal Appeal No. 1570 of 2021, decided on 07.12.2021)*. As per the custody certificate, the petitioner is a person with clear antecedents except this case. He is stated to be 67 years of age.

5. Keeping in view the aforesaid facts, it is considered appropriate to enlarge the petitioner on bail. Hence, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate.

(Anil Kshetarpal)
Judge

November 09, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No