

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

**CRM-M-11913-2022
Date of decision: 29.04.2022**

Kamaljit Singh @ Kamal

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Nahel, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 19 dated 18.01.2021, registered under Sections 22/29 of the NDPS Act, 1985 at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant ASI Mahipal Singh, it is stated that a secret information was received that Pardeep @ Sonu, Rajveer Singh, Gobind Singh are coming in a car and Kamaljit Singh @ Kamal is coming in another car and they can be apprehended if a barrier is laid. Thereafter, a ruqa wa sent to the police station for registration of the FIR.

Learned counsel further submits that it is the further case of the prosecution that the police stopped both the cars and the person sitting in the second car was having a bag containing 30 vials of *Wincirex*, 100 ML each.

Learned counsel for the petitioner further submits that it will be a matter of trial whether the provisions of Section 50 of the NDPS Act were

required to be complied with or not in such circumstances.

Learned counsel further submits that the petitioner is in judicial custody for the last 01 year, 03 months and 08 days and he is not involved in any other case. It is further submitted that conclusion of trial is likely to take a long time as out of total 18 prosecution witnesses, only 01 witness has been examined so far.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case and she is in judicial custody for the last 01 year, 03 months and 08 days. It is also not disputed that out of total 18 prosecution witnesses, only 01 witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody for the last last 01 year, 03 months and 08 days and also in view of the fact that conclusion of trial is likely to take some time as out of total 18 prosecution witnesses, only 01 witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

29.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No