

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

211

CRM-M-12953-2022

Date of decision: 21.04.2022

RAJ KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Malkiat Singh Hundal, Advocate
for the petitioner.

Ms. A. K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. by the petitioner for seeking concession of regular bail in case bearing FIR No. 53 dated 19.05.2017 under Sections 21 of the NDPS Act, 1985 registered at Police Station Verowal, District Tarn Taran.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner has already undergone an actual custody of 04 years 11 months and 04 days and that the trial has not yet concluded. It is pointed out that since 08.09.2021, no prosecution evidence has been recorded and even the prosecution witnesses are not appearing, due to which bailable warrants have been issued by the Court below for securing presence of the witnesses. It is also contended that there is no other criminal case registered; pending or decided against the petitioner for offence under the NDPS Act.

3. Ms. A. K. Khurana, DAG, Punjab has not controverted the same fact. No such aspect is discernible from the custody certificate

that would reflect any criminal antecedents of the petitioner or show that he is involved in any other case under the NDPS Act. Reference is also made to the zimni orders passed on 09.03.2022 as well as on 31.03.2022 which shows that proceedings in the trial are not progressing.

4. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

5. Taking into consideration, the actual period of custody of nearly five years already undergone by the petitioner and also the absence of any other case against the petitioner and the fact that the trial is not progressing, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 21, 2022
vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No