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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20990-2021 (O&M)
Date of Decision:29.04.2022

Tersam Singh @ Sema

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Sharma, Advocate for
Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439

Cr.P.C, pending trial in case FIR No.117 dated 23.10.2020 registered under
Sections 22 and 29 NDPS Act, 1985 at Police Station Nandgarh, District
Bathinda. The petitioner is in custody since his arrest on 23.10.2020.

On 22.09.2021, the following order was passed by this Court:

“Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.117, dated 23.10.2020, having been registered at Police Station Nandgarh, District Bathinda, alleging therein the commission of offences punishable under Sections 22/29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that merits of the case apart (to the effect that the petitioner has been implicated only because in another FIR registered against him, he was admitted to anticipatory bail), he has now been in custody for about 11 months with the trial not having progressed beyond the stage of the framing of charges.

As regards the aforesaid contention, learned State counsel could not deny the factual position.

That being so, in my opinion, even though there may otherwise be a bar on admitting the petitioner to bail in terms of Section 37 of the NDPS Act, 1985, however, looking at the stage of the trial and the period of custody, the petitioner is

admitted to interim bail to the satisfaction of the learned trial court, till the next date of hearing before this court, even in terms of the judgment of the Supreme Court in Union of India vs. K.A. Najeeb (Criminal Appeal No. 98 of 2021), decided on 01.02.2021.

Adjourned to 16.12.2021.

The trial court would send a report as regards the exact stage of the trial before the next date of hearing.”

Learned State counsel, on instructions from ASI Karamjeet Singh, has opposed the prayer on the ground that 1500 tablets of Clovido-100 SR were recovered from the petitioner, which fall within the ambit of commercial quantity. He has stated that the prosecution has examined all the witnesses and the case is fixed for 04.05.2022 for recording the defence evidence.

Considering the above background and the fact that after release of the petitioner on interim regular bail, he has faced the trial regularly, therefore, the order dated 22.09.2021 is made absolute.

29.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No