

In virtual Court

CRM-M-22469-2021

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

CRM-M-22469-2021 (O&M)

Date of decision: 21.02.2022

Harbhajan Singh @ Babla

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-4536-2022

For the reasons stated in the application, same is allowed and statements and cross-examination of PW1 LC Paramjit Kaur and PW2 SI Tarlochan Singh are taken on record as Annexures P-10 and P-11 respectively.

CRM stands disposed of.

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Prayer in this 2nd petition is for grant of regular bail in FIR No.15

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dated 15.03.2019 under Sections 15/18/61 of NDPS Act and Section 482 IPC (added later on vide GD No.12 dated 13.06.2019), registered at Police Station Zira, District Ferozepur; earlier one was dismissed as withdrawn on 09.03.2021.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Inspector Pushpinder Singh, while on patrol duty, he saw a suspected Bolero car and it was signalled to stop. The driver of the car tried to turn back, but he was nabbed by the police officials and disclosed his name as Harbhajan Singh @ Babla. Thereafter, he was given notice under Section 50 of NDPS Act and DSP was called at the spot and in his presence, recovery of 01 kg and 250 grams opium, 60 kg of poppy husk and Rs.50,000/- in cash was effected. It is further submitted that the petitioner is in custody for the last 02 years, 09 months and 16 days; only 02 prosecution witnesses have been examined since 2019 and no further PW has been examined. It is also submitted that it will be a matter of trial whether after the petitioner was nabbed, whether any compliance of Section 42 of NDPS Act was made or not.

Learned counsel further submits that vide order dated 06.10.2020 passed in CRM-M-40283-2019, the petitioner was granted interim bail and after availing the same, he surrendered back and has not misused the concession of interim bail.

Learned State counsel has filed the custody certificate dated 18.02.2022 in the Court today, according to which, the petitioner is in custody

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for the last 02 years, 09 months and 16 days and is not involved in any other case under NDPS Act, however, it is submitted that recovery is very heavy.

Learned State counsel could not dispute that only 02 prosecution witnesses have been examined so far and last PW2 was examined on 16.01.2020 and thereafter, despite a lapse of more than 02 years, no further prosecution witness has been examined, out of total 08 PWs.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody of 02 years, 09 months and 16 days; he is not involved in any other case under NDPS Act and out of total 08 prosecution witnesses, only 02 PWs have been examined so far, therefore, it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No