

CRM-M-22212-2022

Date of decision 23.08.2022

KARANBIR SINGH @ KANNU

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG Punjab.

ARVIND SINGH SANGWAN, J (Oral):

This 2nd petition is for grant of regular bail in FIR No.48 dated 09.06.2019 under Sections 21/25/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Sections 27-A,/32/61/85 (added later on) registered at Police Station Special Task Force, STF Wing, Phase-IV, SAS Nagar (Punjab).

The learned counsel for the petitioner submits that the earlier application was disposed of on 27.09.2021 (Annexure-P-13) with a direction to the trial Court to conclude the trial expeditiously within a period of six months. However, the trial has not concluded and as per the report submitted by the Additional Sessions Judge, Amritsar, it is stated that only 5 PWs have been examined and the case is now fixed for remaining prosecution evidence.

Brief facts of the case are that on receiving a secret information that 3 persons namely Karanbir Singh @ Kanny, Sahib Singh @ Saba and Raja are indulged in selling of narcotic substance in the area of

Amritsar and are having relation with smugglers and are roaming in the area of the Police Station, a *ruqa* was sent for registration of the FIR by ASI Jaspal Singh. Thereafter, a raiding party was constituted and noticed that three persons are present near a tree and on seeing the police party to succeed in running away whereas the petitioner i.e. Karanbir Singh @ Kannu was apprehended and on search and physical search 1 kg 10 grams of Heroin was recovered which was tied around his waist.

The learned counsel for the petitioner submits that the custody of the petitioner as on today is 3 years 2 months and 11 days and perusal of various *zimni* orders of the trial Court were reflected that despite issuing warrants/bailable warrants against the prosecution witnesses all of whom are police officials, they are not appearing and the case is adjourned from time to time and even for considerable long time due to Covid-19 situation, no evidence was recorded and the case was simply adjourned by the trial Court.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in Satender Kumar Antil Vs. Central Bureau of Investigation 2022 AIR (SC) 3386 wherein the Hon'ble Supreme Court with regard to the special acts (Category C). It is observed that the provisions contained in Section 436(a) of Cr.P.C. would apply to special Acts also in the absence of any provision and the rigor as provided under Section 37 of NDPS Act would not come in the way in such a case where liberty of a person is on stake on account of the delayed trial and there is no justification. Learned counsel has further referred to certain other judgments of the Hon'ble Supreme Court i.e. Amit Singh Moni Vs. State of Himachal Pradesh Criminal Appeal No.668 of 2020 (SC) in which Hon'ble

Charas i.e. commercial quantity after the custody of 2 years and 7 months noticing that the paragraphs in the trial is very slow.

Learned State counsel has filed the custody certificate and has not disputed the fact that the petitioner is in long custody of 3 years, 2 months and 11 days.

I have heard the learned counsel for the parties and have perused the report of Additional Sessions Judge, Amritsar reflecting that only 5 PWs have been recorded so far; the long custody of the petitioner; that the trial Court will take some more time to conclude and also in view of the judgment of Hon'ble Supreme Court in Satender Kumar Antil's case (supra), the 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

23.08.2022
neelam

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>