

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22524-2022 (O&M)
Date of decision: 27.05.2022

Surjeet Ram @ Fakkar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 5th petition is for grant of regular bail in FIR No.61 dated 08.07.2018 under Section 22 of NDPS Act, registered at Police Station Banur, District Patiala.

It is worth noticing that first petition i.e. CRM-M-2639-2019 was dismissed as withdrawn on 25.01.2019; 2nd petition i.e. CRM-M-23433-2019 was dismissed on 28.05.2019; third one i.e. CRM-M-41439-2019 was disposed of vide order 21.12.2020, granting interim bail in view of COVID-19 situation and fourth petition i.e. CRM-M-31363-2021 was dismissed as withdrawn on 15.09.2021.

As per allegations in the FIR, SI Sukhdeep Singh along with other police officials was coming from Village Bassi Sekhon towards Banur and

reached near Patiala Dhaba, a person was seen coming carrying a black coloured bag on his right shoulder. On suspicion, he was apprehended and disclosed his name as Surjit Ram @ Fakkar. On search, 15840 tablets of lomotil, 984 capsules of spasmo proxione and 1350 tablets of Becalm were recovered.

It is stated in the petition that the petitioner is in custody since 08.07.2018; he is not involved in any other case and the case is still at the stage of recording the prosecution evidence, therefore, he may be granted the concession of regular bail. It is further stated that the petitioner was granted interim on 21.12.2020 till 31.05.2021 on account of COVID-19 situation and he has not misused the concession.

A perusal of the FIR and further proceedings initiated during the investigation would reveals that when notice under Section 50 of NDPS Act was given to the petitioner, he reposed confidence in DSP, who was present at the spot and thereafter, recovery was effected.

Learned State counsel has filed the custody certificate in the Court today, according to which, the petitioner is in custody for the last 03 years, 04 months and 03 days and is not involved in any other case and has not disputed the factual position. It is submitted that out of total 11 prosecution witnesses, 06 PWs have already been examined.

After going through record of the case, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 03 years, 04 months and 03 days; he is not involved in any other case; out of total 11 prosecution witnesses, only 06 PWs have been

examined and the trial was delayed substantially due to COVID-19 situation and also in view of the fact that it will take long 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.

27.05.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No