

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-29797-2021

DATE OF DECISION: 18.05.2022

VIJAY SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Balbir Kumar Saini, Advocate for the petitioner.

Mr. K.K. Bhainiwala, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.192 dated 21.09.2019, under Sections 21, 22 & 25 of the NDPS Act, 1985, registered at Police Station City Jagraon, District Ludhiana Rural.

Learned counsel for the petitioner contends that the alleged recovery of intoxicant tablets containing Colanazepam with a total weight of 110 grams, 57 grams of heroin and Rs.1,05,000/- was effected from the dashboard of the car. He further contends that the petitioner was merely travelling in the car as he is neither the owner nor the driver of the car. He also submits that there is no compliance of provisions of Section 42 of the NDPS Act inasmuch as information was not reduced in writing although the recovery was effected from a private car which belongs to co-accused namely Harpreet Singh @ Billa. In support of his contention, he has relied upon the judgment of the Supreme Court in the case of **Boota Singh and others Vs. State of Haryana**, reported as **2021 (2) RCR (Criminal) 892 (SC)**. The petitioner is in custody for over 2 years and 7 months.

Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for 02 years, 07 months and 22 days. Learned State counsel states that none out of 13 prosecution witnesses has been examined. He, however, states that the petitioner is also involved in other cases of NDPS Act, therefore, he is not entitled to be released on regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 years and 7 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, the SHO, Police Station City Jagraon, District Ludhiana Rural would be informed and the petitioner shall furnish his mobile number to the SHO and keep his mobile location on till the conclusion of the trial. He shall also appear before the Police Station on first Monday of every month till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

18.05.2022

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No