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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.30423 of 2021 (O&M)

Date of decision: 10.02.2022

Sakkatar Singh @ Pappu

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Ms. Gurvir Kaur Gill, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this 2<sup>nd</sup> petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.44 dated 11.04.2020, for offence punishable under Section 22 of the NDPS Act, registered at Police Station Harike, District Tarn Taran.

The earlier one was dismissed as withdrawn on 10.03.2021.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Gurmukh Singh, while on a petrol duty, a person was nabbed, who was violating the curfew. On suspicion, he was found to be carrying narcotic substance and therefore, a notice under Section 50 of the NDPS Act was given and in the presence of the Deputy Superintendent of Police, recovery of 1350 of CLOVIDOL 100-SR was effected. It is also submitted that the

**CASE HEARD THROUGH VIDEO CONFERENCING**

petitioner is not facing any other trial under the NDPS Act and he is in custody for the last 01 year and 10 months and out of 10 prosecution witnesses, only 02 PWs have been examined, so far and it will take some time in conclusion of the trial as the same is delayed due to COVID-19 situation.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 10 months and 03 days and also in view of the fact that there is no other pending case against the petitioner under the NDPS Act; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**10.02.2022**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No