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

**CRM-M-29862-2022 (O&M)
Date of Decision: 27.09.2022**

Arshdeep Singh @ Arsh

.. Petitioner**Vs.**

State of Punjab

..Respondent**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.
Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)**CRM-24008-2022**

Application is allowed, as prayed for.

CRM-M-29862-2022

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.122 dated 02.10.2019 registered under Sections 22 and 29 NDPS Act, 1985 at Police Station Longowal, District Sangrur. The petitioner is in custody since his arrest on 02.10.2019.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Sangrur in the order dated 11.05.2020 are as under:

“As per the allegations of the prosecution, on 02.10.2019, 3000 intoxicant tablets labeled as Clovidol 100-SR containing Psychotropic substance Tramadol Hydrochloride and 4000 intoxicant tablets labeled as Prozolam 0.5 containing Psychotropic substance Alprazolam were recovered from the possession of applicant/accused.”

Learned counsel for the petitioner contends that the petitioner is languishes in jail for the last approximately three years and only four witnesses have been examined so far by the prosecution. He has produced the zimni orders passed by the trial Court to contend that despite issuance of

bailable warrants, the police officials are not appearing for recording their statement as witnesses. He submits that the trial is likely to consume considerable time, therefore, he be released on bail.

Learned State counsel assisted by ASI Onkar Singh, has opposed the prayer and submitted that the contraband (7000 intoxicating tablets) falls in commercial quantity as per the NDPS Act. He does not dispute this fact that till date, only four prosecution witnesses have been examined out of the total fourteen prosecution witnesses. He has produced the custody certificate of the petitioner by way of affidavit of Jaspreet Singh Thind, DSP, Sangrur Jail, District Sangrur, which indicates that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, considering the above background, particularly the custodial period of the petitioner and the pace at which the trial is progressing, this Court is of the opinion that the further detention of the petitioner behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

27.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No