

**122+241 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.30031 of 2022 (O&M)
Date of Decision: 31.08.2022.**

Sukhpal Singh

... Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gurbir Singh Sidhu and
Mr. Mohit Kumar, Advocate
for the petitioner.

Mr. S.S. Goripuria, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-31700-2022

This is an application for placing on record the copy of chllan
under Section 173 Cr.P.C. as Annexure P-6.

CRM application is disposed of and Annexure-6 is taken on
record.

Registry to tag the same at the appropriate place.

CRM-M No.30031 of 2022

Prayer in this 2nd 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.166 dated 29.08.2019, for offence punishable under
Sections 22 and 29 (Section 29 added later on) of Narcotic Drugs and
Psychotropic Substances Act, 1985 (in short 'NDPS'), registered at Police
Station Sadar Patiala, District Patiala. The earlier one was disposed of vide
order dated 10.02.2021 in CRM-M-17764-2020.

Noticing the fact that the petitioner was not maintaining good health and even on earlier occasion he was granted 15 days interim bail and after availing the interim bail he has surrendered the Jail Authorities. Another ground for grant of interim bail one that at that time petitioner was in custody for about 01 year and 05 months and as on date of said order dated 10.02.2021, no PWs was examined. Liberty was granted that the trial Court after assessing the situation may continue the interim bail or cancel the same.

Learned counsel for the petitioner submits that the trial Court has cancelled the interim bail granted the petitioner vide order dated 09.06.2021 and thereafter, the petitioner surrendered back on 13.06.2022. He further submits that as on today the custody of the petitioner is 01 year, 06 months and 27 days and till date no PWs has been examined.

Learned counsel has relied upon an order dated 29.07.2021 passed by the Judge, Special Court, Patiala, which reflects that no PWs is present and for procuring the presence of two officials PWs, who were Constable-Sandip Singh and ASI-Roop Singh, bailable warrants have been issued.

Brief facts of the case are that on receiving a secret information that petitioner is indulged in some illegal activity of selling intoxicant tablets, a ruka was sent to the Police Station for registration of the FIR and thereafter, the petitioner was apprehended. In presence of the DSP, recovery of 2100 intoxicant tablets was effected.

Learned counsel for the petitioner submits that since the trial has commenced long back and till date no PWs has been examined, which fact is not disputed by the learned State counsel on instructions from ASI

Inderjit Singh.

Perusal of the custody certificate filed in the Court reveals that the petitioner is not involved in any other case that is to say when the petitioner was granted interim bail on two occasions he has not misused the same and has surrendered back in time.

After hearing the learned counsel for the parties and considering the aforesaid facts and also reviewed especially the fact that till date no PWs has been examined and the trial Court is issuingailable warrants even to procure the witnesses who are from the Police Department.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year 06 months and 27 days; the petitioner is not involved in any other case of similar nature; the custodial interrogation of the petitioner is not required; only one PW has been examined so far and the conclusion of the trial will take some time, 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/Illaqa 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.

31.08.2022
rekha sharma

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No