

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36471-2021 (O&M)
Decided on : 29.04.2022

Partap Singh @ Channi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

CRM-14846-2022

Application is allowed as prayed for and Annexures P-3 to P-6
are taken on record subject to all just exceptions.

Main case

This is the second petition filed under Section 439 Cr.PC for
grant of regular bail to the petitioner in case FIR No.37 dated 24.03.2020
under Sections 21/25/29-61 NDPS Act, 1985 registered at Police Station
Sidhwan Bet District Ludhiana.

Learned counsel for the petitioner submits that subsequent to
the withdrawal of previous petition on 23.02.2021, similarly situated co-
accused, who were also travelling with the main accused Sukhdev Singh @
Debi at the time of alleged recovery have since been extended the
concession of bail vide orders dated 24.02.2022, 16.03.2022 and 18.04.2022

(Annexures P-4 to P-6) respectively. Learned counsel submits that admittedly no recovery of contraband was effected from the person of the petitioner, who was allegedly travelling with the other accused including the main accused Sukhdev Singh @ Debi at the time of alleged occurrence. He further submits that the petitioner has now been in custody since 24.03.2020 and only charges stand framed. Hence, there is no likelihood of the trial concluding in the near future as 18 prosecution witnesses have been cited by the investigating agency. It has also been contended by the learned counsel that the petitioner is not involved in any other NDPS case though involved in four other cases under Indian Penal Code and one under Excise Act, however, he is on bail in all of them except in FIR No.41 dated 18.03.2020. under Sections 451, 323, 427, 294, 506 and 34 IPC

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from ASI Rajinder Singh has not been able to controvert the factual aspect of the submissions made by counsel opposite that no recovery of any contraband was effected from the petitioner when he alongwith other accused was apprehended by the investigating agency on the basis of suspicion on 24.03.2020. He has placed on record the custody certificate of the petitioner wherein also it stands reflected that the petitioner is on bail in all other cases registered against him except one. Learned State counsel has conceded that the case of the petitioner is at par with the other accused, who have since been extended the concession of bail by this Court. He has conceded that accused Sukchain Singh, who has been extended the concession of bail, is involved in five more criminal cases like the petitioner.

Heard learned counsel for the parties and perused the relevant material on record.

It is apparent that the trial has come to a virtual stand still after the charges were framed way back on 06.08.2021 and thereafter no further proceedings have taken place before the trial court. In addition to this, similarly situated co-accused have since been extended the concession of bail by the Coordinate Benches of this Court. The petitioner is admittedly not involved in any case under the NDPS Act and no recovery of contraband was effected from him.

In the facts and circumstances as enumerated hereinabove, more so, since the trial is unlikely to conclude in the near future, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

29.04.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No