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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.40846 of 2021 (O&M)

Date of decision: 13.07.2022

Veerjodh Singh @ Ruldu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 4th 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.27 dated 15.03.2019, registered under Section 21 of the NDPS Act, at Police Station Lohian, District Jalandhar.

While entertaining the 3rd petition, the following order was passed:-

“This is the third petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 27 dated 15.03.2019, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Lohian, District Jalandhar.

The first petition, bearing CRM-M-28912-2019, was dismissed as withdrawn on 16.07.2019. The second petition, bearing CRM-M-52992-2019, was dismissed on 29.01.2020.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that co-accused Pooja @ Ruby, whose regular bail application was dismissed along with that of the petitioner on

29.01.2020, has been granted concession of interim bail till 31.05.2021 by this Court on the ground that trial is not proceeding and she was in long judicial custody, vide order dated 28.01.2021 passed in CRM-M-27557-2020. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the new ground for filing the present petition is that despite the charges having been framed on 02.07.2019, till date no prosecution witness has been examined and a period of about one year has passed when the first bail application of the petitioner was dismissed by this Court.

Learned counsel for the petitioner further submits that though the petitioner is involved in two more FIRs, however, she is on bail in those cases as noticed in aforesaid order dated 29.01.2020.

Learned counsel further submits that petitioner is a lady, aged about 32 years, and she has to take care of her minor daughter aged about 03 years and, therefore, in view of the existing COVID-19 situation, wherein though actual hearings have started, however, due to heavy backlog, the Courts are not in a position to record the evidence in all the cases as priority is given to old cases, the petitioner may be enlarged on regular bail.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last about one year and ten months and she is involved in two more FIRs i.e. FIR No. 57 dated 17.04.2018 and FIR No. 36 dated 12.04.2017, both under Section 21 of the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the long custody of the petitioner and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is disposed of and the petitioner is ordered to be released on interim bail till 31.05.2021 on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders.”

Learned counsel for the petitioner further submits that the petitioner is also in judicial custody for a long

time i.e. 01 year, 10 months and 23 days and till date, no prosecution witness has been examined and a period of more than 01 year has already lapsed when the earlier bail application of the petitioner was dismissed by this Court.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case under the NDPS Act and conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 01 year, 10 months and 23 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the long custody of the petitioner and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is disposed of and the petitioner is ordered to be released on interim bail till 31.05.2021 on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Counsel for the petitioner has argued that thereafter the petitioner surrendered before the Court and out of 12 PWs, only 02 PWs have been examined so far and the custody of the petitioner as on today is 02 years, 10 months and 15 days and the trial is not progressing. It is further submitted that the co-accused of the petitioner namely Pooja @ Ruby has already been granted the concession of regular bail.

Counsel for the State on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 years, 10 months and 15 days; the co-accused of the petitioner is

already released on bail; the custodial interrogation of the petitioner is not required; out of 12 PWs only 02 PWs have 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.

(ARVIND SINGH SANGWAN)
JUDGE

13.07.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No