

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

**CRM-M-38405-2020 (O&M)
Date of decision: 09.05.2022**

Jabar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second 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. 46 dated 24.04.2020, registered under Section 22 of the NDPS Act, 1985 at Police Station Sadar Rampura, District Bathinda.

The first petition, bearing CRM-M-20373-2020, was dismissed as withdrawn on 23.09.2020.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in long judicial custody of more than 02 years and the trial is not proceeding.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered at the instance of SI Bhupinderjit Singh, it is stated that while on a patrol duty, one Tata Ace vehicle was seen

coming and one of the Constables signaled it to stop. Two persons were sitting in the said vehicle and on opening the door from the conductor side, intoxicant tablets were seen kept in a polythene bag near the feet of the person, who was sitting on the conductor side. Thereafter, on inquiry, the driver disclosed his name as 'Jabar Singh', i.e. the present petitioner and the other person disclosed his name as 'Bara Singh'. On search of the said polythene bag, 3000 intoxicant tablets were recovered.

Learned counsel further submits that though it was a case chance recovery, however, before effecting the recovery, neither any ruqa was sent to the police station nor any report under Section 42 of the NDPS Act was prepared and it will also be a matter of trial whether the provisions of Section 50 of the NDPS Act were required to be complied with or not.

Learned counsel further submits that the petitioner is in judicial custody for the last 02 years and 12 days; he is not involved in any other case and conclusion of trial is likely to take a long time as till date, no prosecution witness has been examined.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 02 years and 12 days and he is not involved in any other case.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 02 years and 12 days; he is not involved in any other case and also in view of the fact that the trial is substantially delayed due to COVID-19 situation, the instant petition is

allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

09.05.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No