

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

**CRM-M-44583-2021
Date of decision: 03.02.2022**

Hukmi Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Dhaliwal, Advocate
for the petitioner.

Mr. H. S. Sullar, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

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. 98 dated 15.06.2020, registered under Sections 22, 29, 31 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station City-2 Mansa, District Mansa.

The first and the second petitions, bearing CRM-M-3011-2021 & CRM-M-24591-2021, were dismissed as withdrawn on 03.03.2021 and 07.07.2021, respectively.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in judicial custody for the last about 01 year and 03 month and the trial is not proceeding due to COVID-19 situation in the country.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered at the instance of ASI Jagjit Singh, while

on patrol duty, he apprehended the petitioner on suspicion and recovered 870 intoxicant tablets.

Learned counsel further submits that a bare perusal of the FIR would reveal that though it was a case of chance recovery, however, the proper procedure of sending information to the police station under Section 42 of the NDPS Act prior to effecting the recovery was not followed and the Investigating Officer as well as the person, who has subsequently conducted the search and further investigation, are the same person and, therefore, it will be a matter of trial whether the police has followed the proper procedure or not.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 01 year and 03 months and he is not involved in any other case and out of total 13 prosecution witnesses, only 04 witnesses have been examined so far, therefore, conclusion of trial is likely to take a long time.

Learned State counsel filed custody certificate which is taken on record. He has not disputed the factual position as submitted by learned counsel for the petitioner. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 02 months and 28 days and he is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on the merit of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 02 months and 28 days; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time as out of total 13 prosecution

witnesses, only 04 witnesses have been examined so far, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

03.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No