

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42103-2022 (O&M)
Date of decision: 19.09.2022

Raj Kumar @ Budhu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hem Raj Kapil, Advocate
for the petitioner.

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

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.08 dated 24.02.2021 under Sections 22/29/61/85 of NDPS Act, registered at Police Station Thuliwal, District Barnala; earlier one was dismissed on 10.01.2022.

Brief facts of the case are that the FIR was registered at the instance of SI Satpal Singh, with the allegations that while on petrol duty, he got a secret information that accused/non-applicant Sukhwinder Singh @ Raja and the present petitioner namely Raj Kumar @ Budhu, are indulged in bringing intoxicant tablets from one Harpreet Singh, accused/non-applicant. On

the basis of said information, a ruqa was sent to the Police Station and the Deputy Superintendent of Police was called at the spot. Later on, both accused i.e. Sukhwinder Singh @ Raja and Raj Kumar @ Budhu were arrested and 900 loose intoxicant tablets were recovered. During the investigation, both the accused further made a disclosure statement and another recovery of 950 loose intoxicant tablets was effected. It has also come in the investigation that both accused i.e. Sukhwinder Singh @ Raja and Raj Kumar @ Budhu used to purchase the narcotics from Harpreet Singh.

Learned counsel for the petitioner submits that earlier bail was dismissed on 10.01.2022 and as on today, the petitioner is in custody for the last about 01 year and 06 months and only 01 PW has been examined, therefore, it will take long time in conclusion of the trial, as the priority is given to old cases due to COVID-19 situation. It is further submitted that the petitioner is not involved in any other case under NDPS Act, though in the previous order dated 10.01.2022, it was noticed that he is involved in one case under Excise Act.

Learned State counsel has, however, opposed the prayer for bail on the ground that recovery was effected in presence of a Gazetted Officer and even subsequently, on the basis of disclosure statement, further recovery of 950 intoxicant tablets was effected.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year, 06 months and 21 days; he is not involved in any other case under NDPS Act and only 01 PW has been examined so far, this

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

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.09.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No