

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

206

CRM-M-43460-2022 (O&M)

Date of Decision: 23.09.2022

Amarjit

...Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. K.K. Sehjal, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Sanjay Vashisth, J. (Oral)

CRM-35699-2022

Allowed as prayed for.

Main case

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Amarjit, who has been booked for having committed the offences punishable under Sections 22/61 of NDPS Act, 1985, in FIR No.142, dated 26.08.2020, registered at Police Station Lalru, SAS Nagar (Mohali), during the pendency of trial.

Learned counsel for the petitioner submits that the allegations in the FIR are improbable because both the accused are said to be holding the strip bag together, while they were on their feet. Counsel further submits that for the last two years, petitioner, who is aged 33 years, is inside jail and there is no other criminal case registered against him of similar nature.

Counsel further submits that on the one hand, petitioner is inside jail, on the other hand, trial is not progressing.

Learned State counsel has produced custody certificate dated 22.09.2022 and the same is taken on record. As per custody certificate, petitioner has already undergone total custody period of more than two years. On instructions from ASI Jagtar Singh, State counsel informs this Court that challan was submitted on 19.02.2021, charges were framed on 06.04.2021 and none of the witnesses have been examined out of 15 witnesses cited in the list of witnesses with the challan.

After considering the submissions of both the sides, perusing the record with their able assistance, although at this stage, this Court cannot make comment on the veracity of the facts mentioned, yet the facts cannot be ignored that even before the start of the trial, the petitioner has already undergone the custody period of more than two years and he cannot be kept inside the jail for an indefinite period that too, when no witness from the side of the prosecution has been examined so far.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Petition disposed of.

(SANJAY VASHISTH)
JUDGE

23.09.2022

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No