

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

CRM-M-44352-2020

Date of decision-05.01.2022

Sunny Singh @ Kala

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.72 dated 17.06.2020 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Talwandi Bhai, District Ferozepur. Petitioner is in custody since his arrest on 17.06.2020.

As per the prosecution case, 3000 intoxicant tablets of Clovidol 100-SR were recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner has argued that though the final report was filed on 17.11.2020 and charges were framed on 02.03.2021, but till date no prosecution witness has been examined out of total 13 witnesses. He further submits that the petitioner is not

involved in any other case of similar nature, therefore, he be released as his co-accused has already been released on bail by the trial Court.

On the other hand, learned State counsel assisted by ASI Balwant Singh has opposed the prayer on the ground that the case of the petitioner is distinguishable from the co-accused, who was not present at the spot, whereas the contraband (commercial quantity) was recovered from the petitioner. Learned State counsel, on instructions further states that no prosecution witness has been examined so far and the case is now fixed for 14.02.2022 before trial Court for recording the prosecution evidence. He has produced the custody certificate of petitioner, which indicates that the petitioner is not involved in any other case of similar nature.

After hearing learned counsel for the parties and considering the length of petitioner's custody, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as after framing of charges on 02.03.2021, no witness has been examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 17.06.2020. Apart from it, the recent surge in pandemic COVID-19 has further compelled State Government to impose certain restrictions and it may further add to the delay in the conclusion of the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on

regular bail subject to his furnishing requisite bail bonds/surety bonds
to the satisfaction of the trial Court concerned.

The petition is allowed.

05.01.2022

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(MANOJ BAJAJ)
JUDGE

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