

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

**CRM-M-10486-2022
Date of decision: 16.03.2022**

Ravi Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 133 dated 10.12.2019, registered under Sections 21 and 29 of the NDPS Act, 1985 at Police Station Special Task Force, Phase-4, Mohali, District S.A.S. Nagar, PS-Salem Tabri, Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Munish Rayat, it is stated that while on patrol duty, he received a secret information that petitioner Ravi Kumar and Jyoti Bala are indulged in the business of selling heroin and if a raid is conducted, they can be apprehended with heroin. Thereafter, a message was sent to the police station for registration of the FIR and in the presence of a Gazetted Officer, 340 grams of heroin was effected from the petitioner.

Learned counsel for the petitioner further submits that co-accused Jyoti Bala has already been granted the concession of regular

bail by this Court, vide order dated 31.07.2020 passed in ***CRM-M-8789-2020***.

Learned counsel for the petitioner further submits that petitioner is a first offender; he is in judicial custody for the last 02 years, 03 months and 04 days and conclusion of trial is likely to take a long time as out of total 14 prosecution witnesses, none has been examined so far.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case, however, it is submitted that the recovery is of commercial quantity. Learned State counsel further submitted that the trial is delayed due to COVID-19 situation in the country.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is a first offender; he is in judicial custody for the last 02 years, 03 months and 04 days and conclusion of trial is likely to take a long time as despite the fact that charges were framed on 09.03.2021, out of total 14 prosecution witnesses, none has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

16.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No