

250

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

**CRM-M No.54631 of 2021(O&M)
Date of Decision: 19.04.2022**

Tanveer Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his third attempt in case bearing FIR No.16 dated 04.02.2019 registered under Section 22 of the NDPS Act, Police Station Longowal, District Sangrur.

CRM-M No.34097 of 2019 was got dismissed as withdrawn on 22.01.2020. Thereafter, the petitioner filed CRM-M No.37739 of 2020, which was dismissed vide order dated 06.09.2021, however, it was directed that the trial Court shall make every endeavour to conclude the trial within reasonable time.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 3 years, 2 months and 11 days as on 18.04.2022 and as per custody certificate, he is not involved in any other case except the present case. Learned counsel refers to **CRM-M No.20566 of 2019** titled **Veeru Vs. State of Punjab** decided on 19.11.2019, **CRM-M No.41779 of 2020** titled **Gurpreet Singh Vs. State of Punjab** decided on 17.12.2020, **CRM-M No.17481 of 2020** titled **Mani Singh @ Maddi Vs. State of Punjab** decided on 22.07.2020, **CRM-M No.25382 of 2020** titled **Gurbaksh Singh Vs. State of Punjab** decided on 02.09.2020 and submits that by virtue of long incarceration of the petitioner, petitioner is entitled for regular bail de hors the nature of quantity.

Learned counsel further refers to the interlocutory orders passed by the trial Court from 09.09.2021 onwards to contend that instead of making necessary endeavour to conclude the trial at the earliest, the trial Court has unnecessarily accommodated the prosecution witnesses, despite service of bailable warrants and by issuing repeated bailable warrants to the witnesses. Orders dated 09.09.2021, 30.09.2021, 21.10.2021, 11.11.2021 and 01.12.2021 are reproduced hereasunder:-

“File put up before me, as learned Presiding

Officer is on leave for today.

Both accused Raja @ Bittu and Tanvir Singh have not been produced by the jail authority through VC from Security Jail, Nabha and Central Jail, Bathinda. Let, production warrants of both accused be issued for 30.09.2021 with the direction to produce them through V.C.

Case is adjourned to 30.09.2021 for purpose already fixed, as per previous order.

(Sham Lal)
I/c. ASJ, Sangrur
09.09.2021”

“Both accused Raja @ Bittu and Tanvir Singh have been produced by the jail authority through VC from Security Jail, Nabha and Central Jail, Bathinda. Let, they be again produced on 21.10.2021 through VC.

PW-6 ASI Suresh Kumar has been examined today. No other PW is present. Summons issued to SI Darshan Singh and L/C Sukhveer Kaur received back duly served. They have failed to come present in the Court. Let, they be summoned throughailable warrants in the sum of Rs.10,000/- each with one surety in the like amount for 21.10.2021.

(Baljinder Singh)
JSC, Sangrur,
(UID No.PB0107)
Date 30.09.2021”

“Both accused Raja @ Bittu and Tanvir Singh have been produced by the jail authority through V.C from Security Jail, Nabha and Central Jail, Bathinda. Let, they be again produced on 11.11.2021 through V.C.

PW-7-L/SC Sukhbir Kaur has been examined today. No other PW is present. Let, witnesses at serial No.3 and 17 be summoned for 11.11.2021.

(Baljinder Singh)
JSC, Sangrur,
(UID No.PB0107)
Date :21.10.2021”

“Both accused Raja @ Bittu and Tanvir Singh have been produced by the jail authority through V.C from Security Jail, Nabha and Central Jail Bathinda. Let, they be again produced on 01.12.2021 through V.C.

Summons issued to SI Darshan Singh received back duly served. He has failed to come present in the Court. Let, he be summoned through bailable warrants in the sum of Rs.20.000/- with one surety in the like amount for date fixed. While, summons issued to ASI Darshan Singh received back unserved. Let, he be again summoned for date fixed.

(Baljinder Singh)
JSC, Sangrur,
(UID No.PB0107)
Date: 11.11.2021”

“Both accused Raja @ Bittu and Tanvir Singh

have been produced by the jail authority through V.C from Security Jail, Nabha and Central Jail Bathinda. Let, they be again produced on 21.12.2021 through V.C.

Summons issued to SI Darshan Singh received back duly served. He has failed to come present in the Court. Let, he be again summoned through fresh bailable warrants in the sum of Rs.10,000/- with one surety in the like amount for date fixed. While, summons issued to ASI Darshan Singh received back duly served. He has failed to come present in Court. Let, he be again summoned through fresh bailable warrants in the sum of Rs.10,000/- with one surety in the like amount for date fixed.

Baljinder Singh)
JSC, Sangrur,
(UID No.PB0107)
Date: 01.12.2021”

Per contra, learned State counsel submits that out of total 21 prosecution witnesses, 7 witnesses have been examined.

Perusal of the aforesaid *zimni* orders would show that the trial in any case will take sufficient time to conclude. Petitioner is in custody for the last 3 years, 2 months and 11 days as on 18.04.2022. Petitioner is not involved in any other case.

It appears that the trial is proceeding with snail pace despite observations made by this Court on 06.09.2021.

In view of aforesaid facts and circumstances of the case and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

19.04.2022

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No