

In virtual Court

CRM-M-53649-2019

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53649-2019 (O&M)

Date of decision: 15.02.2022

Deepak Singh @ Ganja

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Gandhi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.124 dated 20.08.2019 under Sections 21, 22, 27(A), 29 of NDPS Act, registered at Police Station Maqboolpura, District Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Mandeep Kaur, while on patrol duty, a

person was seen carrying a polythene bag in his right hand. On seeing the police party, he became perplexed and tried to turn back, however, he was apprehended and disclosed his name as Deepak Singh @ Ganja. After giving notice under Section 50 of NDPS Act, in presence of Assistant Commissioner of Police (East), Amritsar, recovery of 866 tablets of Alprazolam was effected.

Learned counsel for the petitioner has further submitted that the petitioner is a drug addict and he remained admitted in Swami Vivekanand Drug De-Addiction and Treatment Centre, Amritsar even prior to registration of the FIR. It is also submitted that the petitioner is a known case of Hepatitis B, as per report of Dr. Lal Pathlabs dated 27.07.2021 and off and on, he has been referred to the hospital for treatment. It is further submitted that the petitioner is in custody for the last 02 years, 05 months and 26 days; charges were framed on 12.02.2021 and out of total 11 prosecution witnesses, only 01 PW has been examined.

Learned State counsel has, however, submitted that the petitioner remained involved in some other cases/FIRs.

In reply, learned counsel for the petitioner has submitted that the petitioner stands acquitted in two FIRs of 2012 and in one FIR, he has undergone the sentence on account of recovery of small quantity of heroin and other two FIRs are pending, in which recovery of 04 grams of heroin was effected, as he is a drug addict and cannot resist.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions and

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CRM-M-53649-2019

-3-

the fact that the petitioner is in long custody and the trial is not proceeding due to COVID-19 situation, 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**

15.02.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No