

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-7938-2023

Date of Decision.:25.07.2023

Yudhvir @ Yudhvir Singh @ Vicky
Vs.

.....Petitioner

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sarju Puri, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of this second petition filed under Section 439 Cr.P.C in case FIR No.24 dated 01.04.2022 registered under Sections 21 & 29 of NDPS Act, 1985 registered at Police Station Aur, District SBS Nagar.

2. As per the allegations, 280 grams of heroin was recovered on 1.4.2022 from the joint possession of Nimmo and Jaswant Kaur. It is alleged that Kamaljit the husband of Jaswant Kaur nominated the petitioner to be supplier.

3. Attention is drawn by learned counsel for the petitioner towards the custody certificate to contend that in another case FIR No.284 dated 04.10.2018 registered under Sections 376 of the IPC and Section 4, 6 & 8 of POCSO Act registered at Police Station Phillaur, District Jalandhar, petitioner was in custody ever since 17.11.2018 and remained in custody in that case till 21.09.2022 and therefore, there can be no question of supplying

the contraband to the co-accused on 01.04.2022, on which date the present FIR was registered. Learned counsel further contends that his earlier bail petition was dismissed on 16.11.2022 and ever since then more than 09 months have elapsed. Trial is proceeding at snail's pace.

4. Learned State counsel has placed on record custody certificate revealing that petitioner is in custody for the last 10 months and 06 days. It is conceded position that no recovery has been effected from the petitioner. It is also conceded that petitioner was in custody in some other case on the relevant date. However, learned State counsel submits that it is at the behest of the petitioner that supply was made.

5. It is also stated that charges were framed on 05.04.2023 and out of 18 witnesses, only 01 witness has been examined till date, which means that trial is going on at snail's pace and is likely to take long time to conclude.

6. Having regard the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

July 25, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No