

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

206

**CRM-M-17512-2021
Date of decision: 10.02.2023**

Satpal Singh @ Rinku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.89 dated 30.07.2019 lodged under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that the petitioner has now been in custody for 03 years 06 months and 13 days having been arrested on 01.08.2019. He submits that since one of the co-accused namely Anil Kumar has been arrested and supplementary challan filed qua him during the course of the trial, hence a denovo trial shall now commence after framing of charges afresh. It has also been submitted that in above the circumstances trial shall take considerable time to conclude.

On a pointed query, put to the learned counsel for the petitioner as to whether the petitioner was involved in any other case under the NDPS Act, he has replied in the negative.

Per contra, learned State counsel while opposing the prayer has not been able to dispute the submissions made by the counsel opposite with respect to a denovo trial being commenced subsequent to the arrest of Anil Kumar. Learned State counsel has also not controverted the submissions made by the counsel opposite qua the petitioner not being involved in any other criminal case much less under the NDPS Act. He, however, submits that recovery of 270 grams of heroin was effected from Bolero Car in which all the accused were travelling and which was being driven by the petitioner.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 01.08.2019 and there is no likelihood of the trial concluding in the near future as a denovo trial shall commence on account of the arrest of co-accused Anil Kumar. The petitioner is not involved in any other criminal case which also stands fortified from the custody certificate which has been placed on record today by the learned State counsel. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.02.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No