

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

CRM-M-20743-2022 (O&M)

Date of decision: 07.02.2023

Gurdit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 143 dated 10.11.2021, registered under Section 22(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Nahianwala, District Bathinda.

The first petition, bearing CRM-M-10259-2022, was dismissed as withdrawn on 15.03.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in judicial custody for the last 01 year, 02 months and 22 days; he is a first offender and out of total 11 prosecution witnesses, only 01 witness has been examined so far as the trial is substantially delayed due to Covid-19 situation.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the police party headed by SI Madan Gopal, while on

a patrol duty, noticed that two persons were standing near a motorcycle and were searching something in a plastic bag. On seeing the police party, they became perplexed and tried to run away, however, they were apprehended by the police. Thereafter, both the accused persons disclosed their name as Gurdit Singh i.e. the petitioner and Jagmit Singh. On suspicion that they might be carrying some intoxicant substance, the said persons were given notice with the option to be searched either before a Gazetted Officer of a Magistrate, to which, they replied that they have full faith in the Investigating Officer. Upon search, recovery of 4000 tablets of Tramanam-SR 100 was effected.

Learned counsel for the petitioner further submits that it will be a matter of trial whether the recovery was effected by following the proper procedure or not.

It is further submitted that since out of total 11 prosecution witnesses, only 01 witness has been examined so far, the conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 01 year, 02 months and 22 days and he is not involved in any other case. It is not disputed that only 01 prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; he is not involved in any other case and conclusion of the trial is likely to take a long time as only 01 prosecution witness has been examined so far, the instant petition is

allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

07.02.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No