

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29337-2022 (O&M)

Date of decision: 14.03.2023

Roshan Lal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kashav Chadha, Advocate for
Ms. Arti Kaur, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 4th petition is for grant of regular bail in FIR No.0005 dated 13.02.2020 under Section 22 of NDPS Act, registered at Police Station Kathgarh, District SBS Nagar; earlier three petitions were dismissed as withdrawn, noticing the fact that the petitioner is involved in some other cases.

Learned counsel for the petitioner submits that new ground for filing this petition is that the petitioner is in long custody of 03 years 28 days and out of total 10 prosecution witnesses, only 04 PWs have been examined.

Brief facts of the case are that on 13.02.2020, the petitioner was apprehended by the police party headed by ASI Mohan Lal, after he was seen coming on feet and on seeing the police party, he became perplexed and tried to run away. The petitioner was holding a cardboard box in his right armpit and

had thrown the same, in which intoxicant tablets were seen and thereafter, recovery of 1050 tablets of Alprazolam IP 0.5 mg and 3600 tablets of Tramadol Hydrochloride.

Learned counsel for the petitioner submits that the petitioner is on bail in other cases and it will be a matter of trial whether proper compliance of Section 42 of NDPS Act was made and even the mandatory provision of Section 50 of NDPS Act were complied with or not.

Learned State counsel, assisted by ASI Raghuvir Singh, has filed the custody certificate in the Court today, which reflects that the petitioner is in custody for the last 03 years and 28 days and he has undergone the sentence in two cases under NDPS Act, which are pertaining to the years 2016 & 2018.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering long custody of the petitioner and in view of judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and anr., SLP (Crl.) No.5191 of 2021, decided on 11.07.2022**, 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/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

14.03.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No