

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

CRM-M-34798-2022 (O&M)

Date of decision: 23.01.2023

Bikramjit Singh @ Bikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Teevar Sharma, 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 case FIR No. 7 dated 11.01.2021, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Raja Sansi, District Amritsar (Rural).

The first petition, bearing CRM-M-36435-2021, was dismissed as withdrawn on 10.03.2022.

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 more than 02 years and out of total 13 prosecution witnesses, only 02 witnesses have been examined so far.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the police party, while on a patrol duty, noticed a

person coming on a motorcycle, who, after seeing the police party, became perplexed and tried to turn back the motorcycle, however, he was apprehended by the police. On enquiry, he disclosed his name as 'Bikramjit Singh @ Bikka', i.e. the present petitioner. On suspicion, he was given a notice with an offer to be searched either before a Gazetted Officer of a Magistrate, upon which, he got recorded his non-consent memo and a Gazetted Officer was called at the spot and thereafter, recovery of 270 grams of heroin was effected.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last more than 02 years and till date, only 02 prosecution witnesses have been examined as the trial is substantially delayed due to Covid-19 situation.

Learned State counsel, on instructions from ASI Gurbachan Singh and on the basis of the custody certificate filed today in Court, could not dispute the factual position, however, it is submitted that the petitioner is involved in one more case under the NDPS Act but he is on bail in the said case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 02 years and conclusion of trial is likely to take a long time as out of 13 prosecution witnesses, only 02 witnesses have been examined so far and and also in view of the judgment of the Hon'ble Supreme Court rendered in ***Satender Kumar Antil Vs. Central Bureau of Investigation and anr.***, SLP (Crl.) No.5191 of 2021, decided on 11.07.2022; 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.

23.01.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No