

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+218

CRM-M-37600-2022 (O&M)

Date of decision: 12.07.2023

Karaj @ Kaaraj Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-26999-2023

For the reasons mentioned in the application, the same is allowed and copies zimni orders are taken on record as Annexures P-6 to P-32 subject to all just exceptions.

CRM-M-37600-2022

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0196 dated 13.12.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 379, 411 and 473 of the Indian Penal Code, 1860 (added lateron) registered at Police Station City Moga, District Moga.

2. Learned counsel has drawn the attention of this Court to the zimni orders of the Trial Court which have been annexed as Annexure P-6 to P-32. He submits that a perusal of the same clearly reveals that the trial has not been able to conclude on account of the

fact that the witnesses have not been putting in an appearance despiteailable warrants having been issued to secure their presence. Learned counsel submits that no doubt he was involved in some other criminal cases, however, it was a matter of record that in some of them he had since been acquitted while in few others he has served out his sentence. Learned counsel submits that the petitioner has now been in custody since 13.12.2020 for having been allegedly found in possession of 1700 intoxicant tablets. He submits that only 03 out of 16 prosecution witnesses stand examined and hence, the trial shall take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, has not been able to controvert that the witnesses including the official witnesses had not been regularly putting in an appearance before the Trial Court despiteailable warrants issued to secure their presence. He, however, submits that the recovery effected from the petitioner fell under commercial quantity.

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

5. The petitioner has been in custody since 13.12.2020 and as is apparent from a perusal of the zimni orders which have been placed on record, the trial has come to a virtual standstill on account of the witnesses failing to put in an appearance and for reasons not attributable to the petitioner. Next date, as per instructions received by the learned State counsel, is 04.08.2023, when couple of prosecution witnesses are likely to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the

concession of bail to the petitioner in wake of his long incarceration.

6. 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.

7. It needs to be added here that in case the petitioner is found involved in any other criminal case or misuses the concession of bail, the State shall be at liberty to seek cancellation of the same.

12.07.2023

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(MANJARI NEHRU KAUL)
JUDGE

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