

Kaku Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Karan Sachdeva, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Arvind Singh Sangwan, J. (Oral)

The prayer in this petitions is for grant of regular bail to the petitioner in case of FIR No.133 dated 22.11.2020 under Sections 21/ 61/ 85 of NDPS Act, 1985 registered at Police Station City 2, District Abohar.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 2 years 2 months 10 days. Despite the fact that the charges are framed on 24.09.2021 but till date no Prosecution Witness (PW) has been examined.

Brief facts of the case are that the FIR was registered on a complaint of ASI-Vinod Kumar that while on patrolling duty, he received a secret information that the petitioner-Kaku Singh is habitual of selling the intoxicant tablets and is bringing the same from Rajasthan on a motor cycle, a barrier was laid and the motor-cycle bearing no. PB-22S-0490 driven by one person was seen coming towards the barrier and was stopped. The driver who disclosed his name as Kaku Singh, was given a notice to be searched before a Gazetted Officer or a

Magistrate. Thereafter, the DSP was called at the spot and recovery of 660 strips of RADOL 100SR tablets was effected.

Counsel for the petitioner submits that the petitioner is in long custody and the trial was substantially delayed due to COVID-19 situation and till date no PW(s) has been examined. It is also submitted that it will be a matter of trial whether proper procedure has been followed or not.

Learned State counsel has filed the custody certificate and dispute the fact that the petitioner is in judicial custody for the last 02 years 02 months an 10 days and till date no PW(s) has been examined. Learned State counsel further submits that the petitioner stands convicted in a similar FIR of the year 2015, however his sentence has been suspended.

In view of above, this petition is allowed and the petitioner is directed to be released on bail on his furnishing bail and surety bond(s) to the satisfaction of the learned trial Court/ Illaqa Magistrate/ Duty Magistrate.

Petition stands allowed.

2nd February, 2023

Sonia Puri

**(ARVIND SINGH SANGWAN)
JUDGE**

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