

HAKAM SINGH

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anureet Singh Sidhu, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present fourth petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.227, dated 08.09.2021, registered under Sections 22 and 29 of the NDPS Act, 1985, at Police Station Lehra, District Sangrur.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of alleged recovery of 750 tablets of “Tramadol Hydrochloride” weighing 281.25 grams.
3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the recovery involved in the present case is of commercial quantity.
4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.
5. Perusal of paper book reveals that the earlier bail petition filed by the petitioner was disposed of vide order dated 13.10.2023 with the following observations:-

CRM-M-6345-2024

“5. Resultantly, the petition in hand stands dismissed for having been withdrawn, at this stage, with a direction to the concerned trial Court to conclude the trial proceedings and to decide the afore-referred criminal case, as pending before it, in accordance with law, as expeditiously as possible.”

Thereafter, the matter was taken-up by the trial Court on 03 different dates, wherein the following orders were passed:-

“1. CNR No. PBSG01-001422-2022 NDPS No.70-2022

State vs. Harpreet Singh

*Present: Learned Addl. PP for the State.
Accused Harpreet Singh & Hakam Singh in custody represented by Sh. D.K.Arora Adv., (not produced). Sh. S.S Bassi Adv., for accused Satpal Singh @ Babli.*

Production warrants of accused Harpreet Singh and Hakam Singh not received back. Fresh be again issued for 29.02.2024.

An application for exemption from personal appearance has been moved on behalf of accused Satpal Singh @ Babli by his counsel. Heard. In view of the reasons mentioned in the application personal appearance of accused is exempted, for today only.

No PW is present. PW HC Raj Pal Singh sent his request. He be again summoned throughailable warrants for the date fixed as per last order.

Remaining PWs be also summoned for the date fixed.

*Dated: 24.01.2024 Balwinder Kumar
Judge Special Court Sangrur.
UID No.PB0160*

2. CNR No. PBSG01-001422-2022 NDPS No.70-2022
State vs. Harpreet Singh

*Present: Learned Addl. PP for the State.
Accused Harpreet Singh & Hakam Singh in custody represented by Sh. D.K.Arora Adv., (not produced).
Accused Satpal Singh @ Babli on bail with Sh. S.S Bassi Adv.,*

File put up before me as learned Presiding is on leave for today.

Production warrants of accused Harpreet Singh and Hakam Singh not received back. Fresh be again issued for 24.01.2024.

No PW is present. Bailable warrants of PW HC Raj Pal Singh not received back. Fresh be again issued for the date fixed.

Remaining PWs be also summoned for the date fixed.

Dated: 16.12.2023

I/C

*Saru Mehta Kaushik
Judge Special Court Sangrur.
UID No.PB0442*

3. CNR No. PBSG01-001422-2022

NDPS No. 70-2022

State vs. Harpreet Singh

Present: Sh. Navdeep Goyal, Addl. PP for the State Accused Harpreet Singh & Hakam Singh in custody represented by Sh. D.K.Arora Adv., (not produced). Accused Satpal Singh @ Babli on bail with Sh. S.S Bassi Adv.,

File put up before me as learned Presiding is on leave for today.

Production warrants of accused Harpreet Singh and Hakam Singh not received back. Fresh be again issued for 16.12.2023.

No PW is present. Bailable warrants of PW HC Raj Pal Singh not received back. Fresh be again issued for the date fixed.

Remaining PWs be also summoned for the date fixed.

Dated: 14.11.2023

I/C

*Girish
Judge Special Court, Sangrur.
UID No.PB0180*

A perusal of aforementioned orders show that despite there being a direction issued by this Court, not even a single prosecution witnesses has been examined and apparently, the trial is likely to take some time.

6. Admittedly, the petitioner is behind the bars for the last 02 years, 05 months & 4 days, who is a young man of 35 years of age and he is not involved in any other case of NDPS Act. The investigation already stands concluded with the filing of challan, followed by framing of charges, but so far only 03 witnesses have been examined out of total 15 prosecution witnesses. Thus, considering the aforesaid facts, I

do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

12.02.2024

Tejwinder

(HARKESH MANUJA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>