



218 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8056-2024

Date of Decision: 23.09.2024

Ferozdeen @ Fauji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.85 dated 04.12.2020 under Sections 22 & 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Tallewal, District Barnala, Punjab.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner is in custody since 04.12.2020. Nothing has been recovered from the conscious possession of the petitioner and as per rule, provisions of Sections 42/50/52 of NDPS Act have not been complied by the police. He further submits that the petitioner has not been declared proclaimed offender.

3. Notice of motion.

4. Ms. Avneet, AAG, Punjab accepts notice on behalf of the State and files the custody certificate, which is taken on record. She submits that the petitioner is a habitual offender and he is involved in five other cases of NDPS Act and Prison Act. Although, in one case he has been acquitted and in two other cases he has already undergone sentences.

5. I have heard the submission of the learned counsel for the petitioner, learned State counsel and have gone through the paper-book.

6. Keeping in view the fact that petitioner is in custody since 07.12.2020. He has already undergone a period 03 years, 09 months and 15 days. Trial of the case would take a long time. So, no useful purpose would be served by keeping the petitioner behind the bars.

7. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

8. The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pendency of the case. The petitioner shall also inform his residential address to Court and also to the concerned police station. The petitioner shall not change his residence without informing the Court/concerned police station. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

9. However, nothing contained here-in-above shall be construed as an expression of opinion on the merits of the case. If the petitioner indulges in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

23.09.2024

Parveen kumar

(GURBIR SINGH)
JUDGE

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