

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42108-2022
DECIDED ON: 31.01.2024

VIVEK

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Bharat Puri, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the third time under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.35, dated 28.02.2021 (Annexure P-1), under Sections 22(C), 29/61/85 of the NDPS Act, 1985, registered at Police Station Nakodar Sadar, District Jalandhar Rural.
2. In compliance of the previous order dated 20.11.2023, it is come on record by way of affidavit of Mukhwinder Singh Bhullar, PPS, Senior Superintendent of Police, Jalandhar (Rural) that though the summons were issued to PW ASI Jagtar Singh No.42/Jal, who has been evading the appearance before the trial Court in the present FIR, against whom now show cause notice was issued as to why the departmental inquiry be not initiated against him.
3. Be that as it may, it is apparent that the delay in the trial is attributed to the prosecution itself and not to the present petitioner, as the same is on account of non-appearance of the aforesaid witness before the trial Court and for the said reason, the petitioner cannot remain behind the bars for an indefinite period.

4. As is evident from the custody certificate produced before the Court by learned State counsel that the petitioner has suffered incarceration for a period of 2 years, 11 months and 2 days in custody and is not involved in any other case, meaning thereby, he is a man of clean antecedents.
5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
6. In the afore-said terms, the present petition is hereby allowed.
7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.01.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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