

212

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.1284 of 2020 (O&M)
Decided on: 16.12.2020

Asghar Ali

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.82 dated 14.04.2019, for offence punishable under Sections 15, 29, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Dehlon, District Ludhiana.

Counsel for the petitioner has argued that the petitioner is in custody for the last 01 year and 07 months and he is not involved in any other case under the NDPS Act. Counsel for the petitioner has further submitted that as per the allegations in the FIR, the recovery of 65 Kgs of poppy husk was effected from the petitioner and the co-accused, who is stated to have been granted the concession of regular bail.

Counsel for the State, on the basis of the Custody Certificate filed in the Court today, has not disputed the factual position

CASE HEARD THROUGH VIDEO CONFERENCING

but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact the petitioner is in custody for the last 01 year and 07 months; he is not involved in any other case under the NDPS Act; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is partly allowed and the petitioner is directed to be released on interim bail till 31.05.2021 subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.12.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No