

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 3113 of 2020
Date of Decision: 23.11.2020**

Vinay Kalra alias Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S.Sandhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the second petition under Section 439 Cr.P.C. seeking regular bail in FIR No. 162 dated 12.7.2018 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Daresi, Ludhiana.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Ludhiana has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that though the recovery has been allegedly effected from the petitioner but no independent witness has been joined by the prosecution agency. He further submits that the mandatory provisions of Section 50 of the NDPS Act have not been complied with. Learned counsel further submits that co-accused Sukhpreet

Singh @ Sunny has been granted regular bail by the Co-ordinate Bench of

this Court vide order dated 22.9.2020. He further submits that the petitioner has been in custody from the last 01 year, 07 months and 08 days and there is no other case against him.

On the other hand learned State counsel has opposed the bail application, however, he has not disputed the fact that the petitioner has been in custody from the last 01 year, 07 months and 08 days and there is no other case against him.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

As per the custody certificate, the petitioner has been in custody from the last 01 year, 07 months and 08 days and there is no other case against him. The co-accused of the petitioner has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 22.9.2020. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

November 23, 2020
Gurpreet

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