

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-25212-2020
Date of decision: 01.09.2020**

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jasdev Singh Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 107 dated 07.07.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Sadar Malout, District Sri Muktsar Sahib.

The first petition, bearing CRM-M-49350-2019, was dismissed as withdrawn on 13.02.2020.

Learned counsel for the petitioner relies upon order dated 25.08.2020 passed in CRM-M-18606-2020, vide which co-accused Gurwinder Singh @ Gindu has been granted concession of interim bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that the new ground for filing the present petition is that trial is not proceeding and the petitioner is in judicial custody for the last more than one year. It is further submitted that out of total thirteen prosecution witnesses, only one witness has been examined so far.

Learned counsel for the petitioner has placed on

record interim orders passed by the trial Court/Judge, Special Court, Sri Muktsar Sahib from December, 2019 onwards, which reflect that trial is not proceeding and the dates are given in view of Covid-19 situation.

Learned counsel further submits that as per the allegations in the FIR, the police party stopped a motorcycle, which was driven by Aman Kumar @ Gori and petitioner Gurwinder Singh @ Gindu was the pillion rider. They were carrying a plastic bag in between them and on suspicion, SI/IO Malkit Singh gave them notice under Section 50 of the NDPS Act and after recording their consent memo, DSP, Malout was called at the spot. Thereafter, the Investigating Officer, on the direction of DSP, searched the said bag and recovered 20 bottles of WINCIREX, 10 bottles of ONEREX and 50 strips of CARISOMA, which does not fall under the NDPS Act.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 07.07.2019 and he is not involved in any other case.

Learned State counsel has filed custody certificate and as per the same, the petitioner is not involved in any other case.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the submissions made by learned counsel for the parties as well as the fact that there is no development in trial as out of total thirteen prosecution witnesses, only one witness been examined so far, the present petition is disposed of and the petitioner is ordered to be released on interim bail till 15.12.2020 on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders.”

Learned counsel for the petitioner further submits that the present petitioner is also in judicial custody since 07.07.2019 and he is not involved in any other case.

Learned State counsel, on telephonic instructions from the Investigating Officer and on the basis of the custody certificate filed today, has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 01 year, 01 month and 22 days

and he is not involved in any other case.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the submissions made by learned counsel for the parties as well as the fact that aforesaid co-accused has been granted interim bail by this Court, the present petition is disposed of and the petitioner is ordered to be released on interim bail till 28.12.2020 on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders.

01.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No