

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

CRM-M-13040-2020 (O&M)

Date of decision: 21.12.2020

Phool Chand @ Chamkila

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. S. Oberoi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 110 dated 25.10.2019, registered under Sections 25, 15 and 16 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sanour, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was the driver of the truck, who was arrested on 25.10.2019 and a commercial quantity of poppy husk was recovered.

Learned counsel for the petitioner further submits that petitioner is in judicial custody for the last about 01 year and 02 months and he is not involved in any other case under the NDPS Act.

Learned counsel further submits that though the challan was presented on 11.04.2020, however, till no prosecution witness has been examined due to COVID-19 situation and the conclusion of trial is likely to

take a long time.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting on the merits of the case, considering the fact that petitioner is in judicial custody for the last about 01 year and 02 months; he is not involved in any other case under the NDPS Act and due to COVID-19 situation, the conclusion of trial is likely to take some time, the present petition is disposed of and the petitioner is ordered to be released on interim bail till 31.05.2021, 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.

21.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No