

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-15756 OF 2020

Date of Decision: November 17, 2020

Kamal Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Varun Goyal, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.50 dated 22.02.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Phillaur, District Jalandhar. The petitioner is in custody since his arrest on 22.02.2019.

As per the allegations in the FIR, on 22.02.2019, the police party laid a naka at Satluj bridge, Phillaur for the checking of cars and buses. During the inspection of one private bus, 1300 tablets of Lomotil were recovered from the possession of the petitioner, who was travelling in the said bus.

Learned counsel for the petitioner contends that the petitioner is in custody since 22.02.2019 and till date, six prosecution witnesses have been examined out of total nine witnesses. According to him, the trial is likely to consume considerable time and, therefore, the further custody of

the petitioner may not be justified, particularly when he is not involved in any other case of similar nature.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by ASI Surinder Pal Singh. He has produced the custody certificate of the petitioner and it shows that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the custody of the petitioner, this Court is of the opinion that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 22.02.2019 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Jalandhar.

November 17, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No