

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

CRM-M-18000-2020
Date of decision: 17.08.2020

Harbans Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mikhail Kad, 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. 211 dated 16.07.2019, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Bhawanigarh, District Sangrur.

The first petition, bearing CRM-M-41720-2019, was dismissed as withdrawn on 17.02.2020 directing the trial Court to conclude the trial within a period of 09 months from the date of passing the order.

Learned counsel for the petitioner submits that in pursuance to order dated 08.07.2020, the petitioner has already surrendered before the jail authorities and in another case i.e. FIR No. 51 dated 17.07.2011, under Section 420 IPC and Sections 15 and 27-A of the NDPS Act, the petitioner stands acquitted by the Additional Sessions Judge, Jind.

Learned counsel further submits that apart from the present FIR, the petitioner is not involved in any other FIR/case under the NDPS Act and he is facing trial only in one case i.e. under the Excise Act.

Learned counsel further submits that the petitioner was not arrested at the spot when the recovery of intoxicant tablets was effected from co-accused Satgur Singh @ Satnam, who was arrested at the spot and some drug money was also recovered.

Learned counsel further submits that the petitioner was nominated on the disclosure of the aforesaid co-accused and later on, the police has shown recovery of 1000 intoxicant tablets from the petitioner as well.

It is further submitted that in view of the fact that trial is not proceeding due to Covid-19 situation, the petitioner may be granted concession of interim bail for a period of 04 months.

Learned State counsel has not disputed the factual position but opposed the bail.

I have heard 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 11 prosecution witnesses, only 02 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.

17.08.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No