

In virtual Court

CRM-M-18244-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18244-2020 (O&M)
Date of decision: 27.08.2020

Varinder Singh @ Judge @ Bunty

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 3rd petition for grant of regular bail in FIR No.110 dated 04.06.2018 under Section 21 of NDPS Act and Section 14 of Foreigners Act, 1946 (added later on), registered at Police Station Division No.6, District Jalandhar.

First petition i.e. CRM-M-39618-2018 was disposed of vide order dated 14.02.2019 directing the trial Court to conclude the trial preferably within a period of six months and second petition i.e. CRM-M-38173-2019 was rendered as infructuous vide order dated 09.01.2020.

Learned counsel for the petitioner submits that the petitioner is first offender and as on today, he is in custody for the last 02 years, 02 months and 18 days. Learned counsel has placed on record interim orders passed by the trial

Court starting from March, 2020 onwards, to submit that the case at that point of time was fixed for defence evidence and one prosecution witness was already examined, however, in the meantime, an application was filed under Section 311 Cr.P.C. for grant of permission to further cross-examine the prosecution witnesses No.2 to 7, as it was not done on behalf of co-accused Chinedu Ufondu, who is foreign national and the said application was allowed on 07.03.2020 and thereafter, further orders shows that 07 PWs were cross-examined by said co-accused on 16.03.2020. Thereafter, due to COVID-19 situation, the case has been adjourned on various dates, as it is reflected in the interim orders.

Learned counsel for the petitioner further submits that since the case was delayed on account of aforesaid facts and now for the last about five months, no proceedings are undertaken by the trial Court, the petitioner is entitled to bail.

A perusal of the FIR shows that when search was conducted in presence of ACP, 255 grams of heroin wrapped in white plastic bag was recovered from the petitioner and similarly, from co-accused Sarabjit @ Sabhi, 260 grams of heroin was recovered and from one another co-accused Chinedu Ufondu, 265 grams of heroin was recovered. Apart from this, Rs.8,74,000/- were also recovered.

Learned State counsel has filed the custody certificate dated 26.08.2020 in the Court today and has not disputed the long custody of more than 02 years and 02 months and also the fact the petitioner is not involved in any other case. It is also not disputed that for the last about 06 months, the trial

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is not proceeding further due to COVID-19 situation.

After hearing learned counsel for the parties and without commenting anything on merits of the case, considering the fact that the petitioner is in long custody and is not involved in any other case, this petition is partly allowed and the petitioner is directed to be released on interim bail till 15.12.2020 subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

It will be open for the trial Court either to grant extension of interim bail assessing the circumstances and evidence or dismiss the bail, in accordance with law.

**[ARVIND SINGH SANGWAN]
JUDGE**

27.08.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No