

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

Sr. No.103

CRM-M-18832-2020 (O&M)
DATE OF DECISION: July 30, 2020

ANKUSH ANAND

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Raj Kumar Gupta, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

CRM-18036-2020

This application has been filed for placing on record Annexure P-4 and P-5.

Notice of motion.

Mr. Ajay Pal Singh Gill, DAG, Punjab accepts notice and has no objection in case the application is allowed.

Accordingly, the application is allowed and Annexure P-4 and P-5 are taken on record.

CRM-M-18832-2020 (O&M)

The petitioner seeks grant of regular bail in case FIR No. 179 dated 05.07.2018 registered at Police Station Derabassi, District SAS Nagar Mohali under Section 22 of NDPS Act, 1985.

The aforementioned FIR was registered on account of recovery

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of 5400 tablets of Lomotil, 2400 tablets of Alorasef and 2880 capsules of Spasmoproxyvon from the petitioner.

Learned counsel for the petitioner submits that the petitioner has been in custody since 05.07.2018. Thus, he has been in custody for over 02 years and the trial has still not concluded. There is no other case under the NDPS Act, 1985 pending against the petitioner. Vide order dated 17.12.2019, the first petition for regular bail filed by the petitioner was dismissed on merits but the status of the trial remains as it was. Thus, keeping in view the custody period of the petitioner, the fact that the trial has not progressed in the last 07 months and the situation created by the on-going covid 19 pandemic, the petitioner deserves to be granted regular bail.

Custody certificate dated 30.07.2020 has been filed in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 02 years and 20 days and there are no other cases pending/decided against him.

Learned State counsel does not dispute that the trial has not progressed substantially since 17.12.2019 i.e. date when the first bail petition of the petitioner was rejected.

In view of the aforementioned circumstances, it is apparent that the trial is not likely to be concluded at an early date. The stage of the trial has not gone beyond examination of the PWs as it was on 17.12.2019. Meanwhile, the petitioner has been in custody for over 02 years. The custody certificate establishes that there is no other criminal case pending/decided against the petitioner. Thus, the petitioner deserves to be granted regular bail.

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Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

CRM-16386-2020

To be listed on 02.09.2020 for filing the vakalatnama.

July 30, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No