

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-19824-2020

Date of decision: 07.08.2020

Kiran Kumar

....Petitioner

versus

UT Chandigarh

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ashish Pal Kaushal, Advocate
for the petitioner.

Mr. J.S. Toor, APP for UT Chandigarh.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Kiran Kumar, stated to be aged 27 years, has filed the present petition under Section 439 Cr.P.C. *inter alia* with a prayer for grant of regular bail in case FIR No.129 dated 18.04.2019, registered under Section 20 of NDPS Act, at Police Station Sector 31, Chandigarh.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the petitioner has not been involved in any other case and the petitioner is in custody since 18.04.2019. He further submits that co-accused/Khusal Paudel @ Kyhap has been granted concession of regular bail by this Court, vide order dated 28.05.2020, passed in CRM-M-12323-2020, because of the present COVID situation and the fact that the trial is

likely to take some time. By making reference to Para 4 of the petition, he submits that the petitioner has a good prima facie case in view of the judgment passed by the Hon'ble Supreme Court in ***Mohan Lal versus State of Punjab 2018 AIR (SC) 3853***.

Mr. Toor, learned APP for UT Chandigarh, submits that there is a distinction between the case of co-accused/ Khusal Paudel @ Kyhap and the present petitioner as in that case, the recovery was of 01 kg of Charas. He however has not been able to dispute the fact that the petitioner was arrested on 18.04.2019 and has completed more than 01 year & 03 months of custody.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young boy of 27 years of age and he has already undergone more than 01 year & 03 months of custody, he may be granted concession of regular bail. He further submits that there are total 13 witnesses and out of which, major number of witnesses are still to be examined as only two or four have been examined till date. It is submitted that next date before the trial Court is 20.08.2020.

Learned counsel for the petitioner also contends that the petitioner shall furnish local surety while furnishing the requisite bonds.

I have heard learned counsel for the parties.

In view of the submissions made by learned counsel for the petitioner, especially when the petitioner is in custody for over 01 year & 03 months; he is not involved in any other case; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to

grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds to the satisfaction of the trial court/Duty Magistrate concerned. The petitioner shall furnish local surety bonds.

(GIRISH AGNIHOTRI)
JUDGE

07.08.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No