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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.25509 of 2020 (O&M)

Date of decision: 02.09.2020

Sachender Shukla

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Maninder Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in FIR No.51 dated 25.06.2019 registered under Section 22 of the NDPS Act at Police Station Block Majri, District SAS Nagar, Mohali.

The earlier one was dismissed as withdrawn on 30.01.2020.

Counsel for the petitioner has argued that the petitioner is in custody for the last 01 year and 03 months and charges were framed against him on 03.02.2020. It is further submitted that Section 50 of the NDPS Act has not been complied with and till date, out of 13 prosecution witnesses, no PW has been examined and due to COVID-19 situation, the trial is not progressing.

Counsel for the State, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case,

CASE HEARD THROUGH VIDEO CONFERENCING

considering the fact that charges have been framed; the custodial interrogation of the petitioner is not required; charges have been framed; no PW has been examined till date and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on interim bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate till 28.12.2020.

It will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

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.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

02.09.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No