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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.23737 of 2020 (O&M)

Date of decision: 24.08.2020

Chamanpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kuldip Singh, 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.187 dated 05.12.2019 registered under Sections 21 & 22 of the NDPS Act, at Police Station Arniwala, District Fazilka.

The earlier one was dismissed as withdrawn on 28.02.2020.

Counsel for the petitioner has argued that the petitioner is in custody for the last more than 08 months and due to COVID-19 situation, the trial is not progressing, though, the charges have been framed, however, out of 09 prosecution witnesses, none has been examined so far.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, the complainant and the Investigating Officer i.e. ASI Harvinder Singh, are the same person and the second Investigating Officer was called only after the investigation was almost completed by the aforesaid ASI Harvinder Singh. Counsel for the

CASE HEARD THROUGH VIDEO CONFERENCING

petitioner relies upon the judgment “*Mohan Lal vs State of Punjab*”,
2018(4) RCR (Criminal) 101.

Counsel for the State could not dispute the factual position. It is also not disputed that no prosecution witness has been examined and the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in custody for the last more than 08 months; challan stands presented; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, 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.

(ARVIND SINGH SANGWAN)
JUDGE

24.08.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No