

In virtual Court

CRM-M-24537-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24537-2020 (O&M)
Date of decision: 27.08.2020

Satgur Singh @ Satnam

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kashish Garg, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.211 dated 16.07.2019 under Section 22 of NDPS Act (offence under Sections 29, 31 of NDPS Act was added later on), registered at Police Station Bhawanigarh, District Sangrur; earlier was one dismissed as withdrawn vide order dated 17.02.2020.

Learned counsel for the petitioner relies upon the order dated 17.08.2020 passed in CRM-M-18000-2020, vide which interim bail was granted to co-accused Harbans Singh. The operative part of the order reads as under: -

“...The first petition, bearing CRM-M-41720-2019, was dismissed as withdrawn on 17.02.2020 directing the trial Court to conclude

the trial within a period of 09 months from the date of passing the order.

Learned counsel for the petitioner submits that in pursuance to order dated 08.07.2020, the petitioner has already surrendered before the jail authorities and in another case i.e. FIR No. 51 dated 17.07.2011, under Section 420 IPC and Sections 15 and 27-A of the NDPS Act, the petitioner stands acquitted by the Additional Sessions Judge, Jind.

Learned counsel further submits that apart from the present FIR, the petitioner is not involved in any other FIR/case under the NDPS Act and he is facing trial only in one case i.e. under the Excise Act.

Learned counsel further submits that the petitioner was not arrested at the spot when the recovery of intoxicant tablets was effected from co-accused Satgur Singh @ Satnam, who was arrested at the spot and some drug money was also recovered.

Learned counsel further submits that the petitioner was nominated on the disclosure of the aforesaid co-accused and later on, the police has shown recovery of 1000 intoxicant tablets from the petitioner as well.

It is further submitted that in view of the fact that trial is not proceeding due to Covid-19 situation, the petitioner may be granted concession of interim bail for a period of 04 months...”

Learned counsel for the petitioner submits that the petitioner is in

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custody for the last more than 01 year and 01 month and is not involved in any other case. It is further submitted that the trial is not proceedings due to COVID-19 situation in the country.

Learned State counsel has filed the custody certificate dated 27.08.2020 in the Court today and submitted that out of total 11 prosecution witnesses, only two PWs have been examined so far.

After hearing learned counsel for the parties and without commenting anything on merits of the 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/Illaq 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
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No