

In virtual Court

CRM-M-25725-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25725-2020 (O&M)
Date of decision: 08.09.2020

Aman Kumar @ Gori

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.107 dated 07.07.2019 under Section 22 of NDPS Act, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner relies upon the order dated 25.08.2020 passed in CRM-M-18606-2020, vide which co-accused Gurwinder Singh @ Gindu has been granted the concession of interim bail. The operative part of the order reads as under: -

“Learned counsel for the petitioner submits that the new ground for filing the present petition is that trial is not proceeding and the petitioner is in judicial custody for the last more than one year. It is further submitted that out of total thirteen prosecution witnesses, only one witness has been examined so far.

Learned counsel for the petitioner has placed on record interim orders passed by the trial Court/Judge, Special Court, Sri Muktsar Sahib from December, 2019 onwards, which reflect that trial is not proceeding and the dates are given in view of Covid-19 situation.

Learned counsel further submits that as per the allegations in the FIR, the police party stopped a motorcycle, which was driven by Aman Kumar @ Gori and petitioner Gurwinder Singh @ Gindu was the pillion rider. They were carrying a plastic bag in between them and on suspicion, SI/IO Malkit Singh gave them notice under Section 50 of the NDPS Act and after recording their consent memo, DSP, Malout was called at the spot. Thereafter, the Investigating Officer, on the direction of DSP, searched the said bag and recovered 20 bottles of WINCIREX, 10 bottles of ONEREX and 50 strips of CARISOMA, which does not fall under the NDPS Act.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 07.07.2019 and he is not involved in any other case.

Learned State counsel has filed custody certificate and as per the same, the petitioner is not involved in any other case.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the submissions made by learned counsel for the parties as well as the fact that there is no development in trial as out of total thirteen prosecution witnesses, only one witness been examined so far, the present petition is disposed of and the petitioner is ordered to be released on interim bail till 15.12.2020 on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned....”

Learned counsel for the petitioner has submitted that the petitioner

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was driver of the motorcycle and aforesaid co-accused Gurwinder Singh @ Gindu was carrying the bag as per allegations in the FIR. It is further submitted that the petitioner is not involved in any other case and the trial is standstill due to COVID-19 situation.

Learned State counsel has filed the custody certificate dated 07.09.2020 in the Court today and has not disputed the factual position. As per this custody certificate, the petitioner is in custody for the last about 01 year and 02 months.

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/Illaqa 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

08.09.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No