

Sr. No.211

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-27285 of 2020 (O&M)
DATE OF DECISION : 08.10.2020**

Yaunis Masih.

...Petitioner

Versus

State of Punjab

...Respondent

And

CRM-M-45841 of 2019 (O&M)

Raj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Charanpreet Singh, Advocate
For petitioner Yaunis Masih.

Mr. Ravi Malhotra, Advocate
For petitioner Raj Kumar.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioners in the above-referred two petitions seek regular bail in FIR No. 99 dated 02.05.2018, registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, Police Station Sadar Khanna. Both petitions are being disposed of by this common order passed in CRM-M-27285 of 2020.

2. Per FIR, on 02.05.2018, while a police party was on checking, on suspicion, they intercepted an ambulance bearing registration No.

PB07L-4280. The driver told his name as Yaunis Masih (petitioner), while Ranjit Singh, Pawan Kumar @ Ganna, Ravi and Ishwar Singh were found sitting in the ambulance while other co-accused-petitioner Raj Kumar was found lying on the stretcher pretending as a patient. On checking of ambulance, 405 strips containing total 9,750 capsules of Spasma Proxyvon Plus were recovered. FIR was registered. They all were arrested and put to trial.

3. Learned counsel submits that there is violation of mandatory provisions of NDPS Act. Yet, petitioners are in custody since 02.05.2018. According to him, six witnesses out of eight have been examined and presently there is no headway in the trial due to Covid-19 pandemic. No useful purpose would be served by keeping the petitioners behind the bars anymore. According to them, the petitioners are not involved in any other case.

3. Learned State counsel, also does not controvert that presently trial has been held up due to Covid-19 pandemic. Petitioners are not involved in any other case. He admits that petitioners are in custody for more than two years.

4. The petitioners are not involved in any other case and they are in custody for about 2 years and 5 months. The witnesses are official and thus, there is no occasion with the petitioner to influence or put pressure upon them. Culpability of the petitioners shall be adjudicated at the trial, which is presently held up due to Covid-19 pandemic. There is no likelihood of its resumption/conclusion anytime soon. Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters. Accordingly, given the over all scenario, I am of the opinion that no

useful purpose would be served by keeping petitioners in preventive custody any more.

5. In the premise, without expressing any opinion on the merits of the case, at this juncture, the petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is made clear that while on bail, if the petitioners are found involved in any other case, the prosecution shall be at liberty to seek cancellation of their bail.

6. Both petitions are accordingly allowed.

October 08, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No