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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27466 of 2019 (O&M)
Decided on: 16.12.2020

Vijay Kumar @ Monu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Yashpal Thakur, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0019 dated 22.03.2019, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Mulepur, Tehsil and District Fatehgarh Sahib.

Counsel for the petitioner has argued that the petitioner is in custody since 23.03.2019 and he is not involved in any other case under the NDPS Act. It is further submitted that out of 11 prosecution witnesses, only 03 PWs have been examined so far and due to COVID-19 situation, the trial is not progressing and, thus, it will take long time in conclusion of the trial.

Counsel for the State, on the basis of the Custody Certificate and the affidavit of the Deputy Superintendent of Police, Fatehgarh Sahib, has not disputed the factual position but opposed the

CASE HEARD THROUGH VIDEO CONFERENCING

prayer for bail. It is, however, submitted that the recovery is of commercial quantity.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 23.03.2019; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is partly allowed and the petitioner is directed to be released on interim bail till 31.05.2021 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

16.12.2020

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No