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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.40018 of 2020 (O&M)
Decided on: 04.12.2020

Kuldeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amit Arora, 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.97 dated 06.08.2015, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Goindwal, District Tarn Taran.

Counsel for the petitioner has argued that the petitioner was arrested with the allegations of keeping 500 gms of intoxicant powder and it will be a debatable issue, whether it was commercial quantity because as per the provisions of the NDPS Act, the commercial quantity is defined as more than 500 gms. It is also submitted that the petitioner was granted the concession of regular bail, however, he absented from the Court proceedings on 02.09.2016 and was declared as proclaimed offender on 01.07.2017. It is further submitted that the petitioner, thereafter, was arrested on 04.08.2019 and he is in custody

CASE HEARD THROUGH VIDEO CONFERENCING

for the last 01 year and 03 months. It is also submitted that the petitioner is not involved in any other case. It is further argued that out of 07 prosecution witnesses, only 01 PW has been examined so far and the trial is not progressing due to COVID-19 situation.

Custody Certificate filed in the Court is taken on record.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that if the petitioner is granted bail, he may again misuse the concession and abscond from the Court proceedings.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; he is in custody for the last 01 year and 03 months and the conclusion of the trial will take some 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 bonds and 02 sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate and on deposit of costs of Rs.15,000/- with the trial Court for delaying the disposal of the trial.

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

04.12.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No