

CRM-M-44472-2019

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

CRM-M-44472-2019 (O & M)

Date of decision: 29.09.2020

Mohammad Salim

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ghulam Nabi Malik, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-23897-2020

This is an application under Section 482 Cr.P.C. for early hearing of the main petition, which is fixed for 18.12.2020.

Notice of the application.

On the asking of this Court, Mr. Joginder Pal Ratra, DAG, Punjab, accepts notice on behalf of the respondent-State, and states that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the main petition is preponed to today, itself and taken up on Board for hearing.

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Custody certificate by way of affidavit of the Deputy Superintendent, Central Prison, Patiala, has been filed through e-mail. Print out of the same is taken on record.

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Through this petition, the petitioner seeks regular bail in case FIR No.32 dated 15.02.2019, registered at Police Station City Rajpura, District Patiala, under Section 22 NDPS Act, 1985.

As per the case of prosecution, 2700 intoxicant tablets had been recovered from the petitioner.

Learned counsel for the petitioner contends that although the alleged recovery effected from the petitioner is on higher side, yet the fact remains that the petitioner has been in custody for the last more than 01 year and 07 months and trial is not likely to conclude on account of the prevailing Covid-19 pandemic, and that there is no other case pending or registered of similar nature against the petitioner.

On the other hand, learned State counsel opposes the prayer made in the present petition. However, he states that out of 11 prosecution witnesses, 04 witnesses have been examined and there is another FIR registered under the Arms Act, 1959 of the Arms Act, against the petitioner in which he has already been released on bail. However, he does not dispute the custody period of the petitioner and states that there is no other case of similar nature against the petitioner.

I have heard the learned counsel for the parties.

In view of the submissions made by the learned counsel for the petitioner, especially when the petitioner has been in custody since 16.02.2019; trial of the case may take time to conclude as the country continues to plunge into the global pandemic, Covid-19, this Court finds that no useful purpose would be served by keeping the petitioner behind bars.

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Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.09.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No