

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-48528 of 2019

Date of Decision: 07.10.2020

Anil Kumar Atwal @ Sonu

...Petitioner (s)

Versus

The State of UT, Chandigarh.

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Maninderjit Singh, Advocate
for the petitioner.

Mr. Yashwant Singh Rathore, APP, UT, Chandigarh.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.155 dated 21.06.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the NDPS Act”) registered at Police Station Sector 34, Chandigarh.

As per the case of the prosecution, on 21.06.2019, when the police party heading towards Sector 45-C, it apprehended the petitioner, who was holding a white carry bag in his hand. When the carry bag was checked, two boxes of cardboard were found in it. On opening the small cardboard box, 25 injections of Buprenorphine of 2 ML each were found,

whereas on opening the big box, 25 injections of Pheniramine Maleate of 10 ML each were found. The petitioner could not present any license or permit for carrying the said injections.

Learned counsel for the petitioner has argued that the petitioner is in custody since 21.06.2019 and there is no other case pending against the petitioner under the NDPS Act and only one prosecution witness has been examined in the case so far.

Learned APP, UT, Chandigarh has filed the custody certificate of the petitioner through email and does not dispute the custody of the petitioner as well as the fact that there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 21.06.2019 and no other case has been pointed out against the petitioner. Considering the fact that as against the 14 witnesses cited by the prosecution, only one witness has been examined so far and thus, trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of bail.

Needless to say that the expression made hereinabove shall not
construe as an expression on the merits of the case.

October 07, 2020
AK

(HARI PAL VERMA)
JUDGE

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