

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SHIVANI GUPTA
21.07.22 13:28
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Crl. Misc. No. 15764 of 2020 in/and
Crl. Misc. M-50093 of 2019
Date of decision: 21.07.2020

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Surinder Singh

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rishu Mahajan, Advocate,
for the applicant-petitioner.

Mr. SPS Tinna, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

Crl. Misc. No. 15764 of 2020

The present application has been filed for pre-ponement of the main case from 14.08.2020 on the ground that the petitioner is in custody since 29.06.2019 and the case has been adjourned on account of Covid-19 pandemic.

In view of the above, the application is allowed.

Hearing of the main case is pre-poned from 14.08.2020 to today.

Crl. Misc. M-50093 of 2019

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 97 dated 28.06.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at P.S. Adampur, District Jalandhar.

The FIR was lodged on the statement of Baljinder Singh S.I. on

the ground that checking was being done when the car driven by the petitioner was tried to be stopped but he evaded the police officials. The recovery of 1296 capsules of SIMPLEX C+ and 370 intoxicant tablets was effected from the ZEN car. The regular bail of the petitioner was rejected vide order dated 02.08.2019 by the Special Court on account of the bar of Section 37 of the NDPS Act as recovery fell within the commercial quantity.

Counsel for the petitioner has submitted that in spite of the charge having been framed on 06.11.2019 and five dates being taken by the prosecution, not even a single official witness has been examined. It is submitted that in view of the Covid-19 situation, the trial is likely to be delayed and no witness is likely to be examined on 03.08.2020, which is the date fixed before the Trial Court. It is submitted that there is no other case of similar nature against the petitioner as per the custody certificate dated 20.07.2020. A perusal of the same would go on to show that the petitioner's under trial period is 1 year 21 days.

Keeping in view the above factor that trial is not likely to be completed and the State has been lax in prosecuting the case, the petitioner cannot be prejudiced and be asked to remain in custody. In view of the peculiar facts and circumstances due to Covid-19 pandemic trial is not likely to be completed in the near future. In such circumstances, once there is no other case of similar nature against the petitioner, the petitioner is liable to be granted the benefit of regular bail.

Keeping in view the above, the petition is allowed. The petitioner be released on regular bail to the satisfaction of the Illaqua/Duty

Crl. Misc. M-50093 of 2019

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Magistrate, Jalandhar.

21.07.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No