

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

**CRM-M No.5517 of 2021 (O&M)
Decided on: 12.02.2021**

Sandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 3rd 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.77 dated 07.07.2018, for offence punishable under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Tapa, District Barnala.

The first petition was dismissed as withdrawn on 10.07.2019 whereas the second petition was dismissed as withdrawn on 19.08.2020.

Counsel for the petitioner has submitted that the new ground for filing this petition is that the petitioner is in long custody and as on today, he has undergone the judicial custody of about 02 years and 07 months and the trial is not proceeding due to COVID-19 situation.

Counsel for the petitioner has argued that though, the trial

Court has started doing the work of physical hearing of the cases, however, due to long pendency of the cases, the priority is being given to old cases and therefore, it will take some time in conclusion of the trial.

Counsel for the petitioner has further submitted that out of 15 PWs, only 05 PWs have yet been examined. Lastly, it is submitted that as per the allegations in the FIR, the petitioner was apprehended with 9800 tablets of Tramadol and there are moot points involved in the case regarding the manner in which the investigation has been conducted, which is to be decided during the course of trial, for which the counsel for the petitioner has relied upon certain statements of PW-1 and PW-2, who are the part of the investigating team.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the FSL report, the recovery effected from the petitioner falls under the commercial quantity, however, it is also not disputed that the petitioner is in custody for the last 02 years and 07 months and he is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 02 years and 07 months; he is not involved in any other case under the NDPS Act; out of 15 prosecution witnesses, only 05 PWs have been examined; 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 01.07.2021 subject to his furnishing

bail/surety bonds to the satisfaction of the trial Court/Illaq
Magistrate/Duty Magistrate.

However, the trial Court, after assessing the situation, if the
trial has not started in ordinary course and the evidence is recorded,
may cancel or may continue the interim bail granted to the petitioner till
further orders.

(ARVIND SINGH SANGWAN)
JUDGE

12.02.2021
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No