

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

**CRM-M-4041-2020
Date of decision: 16.09.2021**

Gurdial Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manu Loona, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0077 dated 06.07.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Jalalabad, District Fazilka.

On 14.12.2020, while granting interim bail to petitioner, the following order was passed:

“Learned counsel for the petitioner submits that petitioner is in judicial custody for the last about 01 year, 05 months and 04 days and he is not involved in any other case.

Learned counsel further submits that out of total 10 prosecution witnesses, only one witness has been examined so far and due to Covid-19 situation, the trial is likely to take a long time in its conclusion.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position. As per custody certificate, the petitioner

is not involved in any other case.

Adjourned to 28.05.2021.

Considering the fact that petitioner is in judicial custody for the last about 01 year, 05 months and 04 days; he is not involved in any other case and also in view of the fact that due to Covid-19 situation, the conclusion of trial is likely to take some time, the petitioner is ordered to be released on interim bail till the next date of hearing, on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

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.”

Learned State counsel submits that after the petitioner was granted concession of interim bail till 28.05.2021 in view of the COVID-19 situation, he has not surrendered back before the trial Court.

Learned counsel for the petitioner submits that due to some confusion, the petitioner could not surrender before the trial Court.

Since the order dated 14.12.2020, granting concession of interim bail to petitioner till 28.05.2021, is very clear, there was no occasion for the petitioner to misunderstand the same.

Accordingly, the present petition is dismissed.

16.09.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No