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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6727 of 2021 (O&M)

Date of decision: 01.04.2021

Pawan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 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.338 dated 22.12.2020, for offence punishable under Section 22-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sadar, Amritsar, District Amritsar.

Counsel for the petitioner has submitted that as the recovery is of small quantity for which the maximum punishment is for a period of 06 months or fine, which may extend to Rs.10,000/-. It is also submitted that as on today, the petitioner has undergone 03 months and 05 days of the custody and the conclusion of the trial will take some time. It is also submitted that the petitioner is not involved in any other case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer

CASE HEARD THROUGH VIDEO CONFERENCING

for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 03 months and 05 days; the petitioner is not involved in any other case; 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 allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

01.04.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No