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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.15137 of 2020 (O&M)

Decided on: 25.05.2021

Balkar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. L.S. Sekhon, 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.04 dated 08.01.2020, for offence punishable under Sections 22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sidhwan Bet, District Ludhiana (Rural).

Counsel for the petitioner has submitted that the FIR was registered with the allegations that the petitioner was apprehended on suspicion of carrying some narcotic drugs by ASI Gurdeep Singh and 1800 intoxicant tablets were recovered along with 50 gms of intoxicant powder. It is further submitted that though moot points regarding non-compliance of Section 42(2) of the NDPS Act will be a matter of trial, however, the petitioner is in custody for the last 01 year and 04 months and is not involved in any other case under the NDPS Act.

Counsel for the petitioner has further submitted that out of 14 PWs, none has been examined so far and due to COVID-19

CASE HEARD THROUGH VIDEO CONFERENCING

situation, the trial Court is not proceeding with the case and the FIR being relating to the year 2020, preference are given to the old cases.

Counsel for the State has filed the affidavit of the Investigating Officer, however has not disputed the fact that the petitioner is in custody for the last 01 year and 04 months and no PW has been examined. It is further submitted that as per the Custody Certificate, the petitioner is involved in one more case registered under the Excise Act however, he is on bail in that case.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year and 04 months; he is not involved in any other case under the NDPS Act; out of 14 prosecution witnesses, none has 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 14.10.2021 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

25.05.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No