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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.19651 of 2021 (O&M)
Date of decision: 25.05.2021

Satgur Singh @ Babbu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K.S. Siwach, Advocate for
Mr. P.S. Dhaliwal, 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.0034 dated 07.04.2019, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Khanori, District Sangrur.

Counsel for the petitioner has submitted that the petitioner is in custody for the last about 02 years and 01 months and the trial is not proceeding due to COVID-19 situation. It is further submitted that the petitioner is not involved in any other case.

Counsel for the petitioner has relied upon the order dated 27.01.2021 passed in CRM-M No.32094 of 2020, vide which the co-accused of the petitioner namely Sukhpal Singh @ Sukhi has been granted the concession of regular bail considering his long custody. The operative part of the said order, reads as under:-

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"Counsel for the petitioner has submitted that the petitioner is not involved in any other case and he is in custody for the last 01 year and 09 months and 18 days. It is thus, submitted that due to COVID-19 situation and considering the long custody of the petitioner, he may be released on interim bail.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last 01 year and 09 months and 18 days.

After hearing the counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year and 06 months; he is not involved in any other case under the NDPS Act; 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 31.05.2021 subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate."

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

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 02 years and 01 month; the co-accused of the petitioner is already released on bail; 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 partly allowed and the petitioner is directed to be released on interim

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bail till 11.10.2021 subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa 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

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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