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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.19711 of 2021 (O&M)
Decided on: 25.05.2021

Virsa Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sukhjit Singh, 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.65 dated 04.06.2014, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Khilchian, District Amritsar.

The first petition was dismissed as withdrawn on 13.02.2019 whereas the second petition was disposed of on 21.08.2020, noticing the fact that the case of the petitioner is at the stage of defence evidence, however, due to COVID-19 situation, the trials are being delayed and till date, the trial is not concluded and a period of about 09 months has already elapsed.

Counsel for the petitioner has further submitted that the total custody undergone by the petitioner as on today is 03 years and 04 months. It is further submitted that as per the allegations in the FIR, the

CASE HEARD THROUGH VIDEO CONFERENCING

petitioner was apprehended on suspicion of carrying some intoxicant substance and the recovery of 260 gms of intoxicant powder was effected from him. It is further submitted that considering the long custody of the petitioner, he may be granted the concession of bail.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the Custody Certificate, the petitioner is not involved in any other case and is in custody for the last 03 years and 04 months.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 03 years and 04 months; he is not involved in any other case under the NDPS Act; the custodial interrogation of the petitioner is not required and also in view of the fact that despite the directions given by this Court on 21.08.2020 to conclude the trial within a period of 06 months, the trial is still pending, this petition is partly allowed and the petitioner is directed to be released on interim bail till 11.10.2021 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