

In virtual Court

CRM-M-20144-2021

-1-

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

**CRM-M-20144-2021 (O&M)
Date of decision: 27.05.2021**

Gurmail Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Garg, 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 in FIR No.130 dated 11.12.2020 under Section 22/61/85 of NDPS Act, registered at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended 02 persons including the petitioner and co-accused Rachpal Singh and thereafter, recovery of 1000 intoxicant tablets from the petitioner and 500 intoxicant tablets from co-accused Rachpal Singh was effected. It is further submitted that it will be a matter of trial whether the police party has conducted the investigation in accordance with the provisions of NDPS Act or not. It is also submitted that the petitioner is in custody for the last 05 months and 12 days and is not involved in any other case. Learned

In virtual Court

CRM-M-20144-2021

-2-

counsel has relied upon medical record of the petitioner (Annexure P-2) to submit that he is suffering from chronic heart disease and needs urgent medical attention, as his condition deteriorates and on one occasion, he was sent to PGIMER, Chandigarh for examination.

Learned State counsel has filed the custody certificate dated 26.05.2021 in the Court today and has not disputed the factual position. As per the custody certificate, the petitioner is in custody for the last 05 months and 12 days and is not involved in any other case. It is submitted that challan was presented on 16.03.2021, however, charges are not framed.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that the trial is not likely to conclude early due to COVID-19 situation; the petitioner is in custody for the last 05 months and 12 days; he is a chronic heart patient, this petition is disposed of and the petitioner is directed to be released on interim bail till 11.10.2021 subject to furnishing his 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.

[ARVIND SINGH SANGWAN]
JUDGE

27.05.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No