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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20704 of 2021 (O&M)

Date of decision: 27.05.2021

Sulakhan Singh @ Sakha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipin 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.08 dated 26.01.2020, for offence punishable under Sections 15/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party apprehended one Innova car, which was driven by the petitioner – Sulakhan Singh and recovered 13 bags of poppy husk weighing 250 Kgs. It is further submitted that the contraband belong to Sukhraj Singh @ Sukha, who has already been released on regular bail by the trial Court. Lastly, it is argued that the petitioner is in custody for the last 01 year, 03 months and 27 days and he is not involved in any other case and challan stands presented before the trial Court.

CASE HEARD THROUGH VIDEO CONFERENCING

Counsel for the State has not disputed the fact that the petitioner is in custody for the last 01 year, 03 months and 27 days and he is not involved in any other case under the NDPS Act.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 01 year, 03 months and 27 days; he is not involved in any other case under the NDPS Act; challan stands presented; 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

27.05.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No