

In virtual Court

CRM-M-18853-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18853-2020 (O&M)
Date of decision: 19.01.2021

Avtar Singh @ Tari

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Gill, 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.175 dated 15.09.2019 under Section 22 of NDPS Act, registered at Police Station Kotwali, Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was apprehended on suspicion and recovery of 3000 intoxicant tablets was effected. It is further submitted that the petitioner is in custody for the last 01 year and 04 months; he is not involved in any other case under NDPS Act and only 01 prosecution witness has been examined. It is also submitted that though it is a case of chance recovery, however, in the absence of giving any notice under Section 50 of NDPS Act, it will be a debatable issue during the trial whether proper procedure was followed or not.

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Learned State counsel, on the basis of custody certificate dated 18.01.2021 filed in the Court today, has not disputed the fact that the petitioner is not involved in any other case under NDPS Act and the trial is delayed due to COVID-19 situation.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that the petitioner is in custody since 15.09.2019; he is not involved in any other NDPS case; only 01 PW has been examined so far and the trial is delayed due to COVID-19, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

19.01.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No