

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

CRM-19503-2019

Decided on :January 12, 2021

Karn Singh

... Petitioner

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

(Through Video Conferencing)

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, DAG., Punjab.

ARVIND SINGH SANGWAN, J. (Oral):

This is a petition under Article 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 186 dated 28.09.2018, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at police Station Mandi Gobindgarh, District Fatehgarh Sahib, Punjab.

Learned counsel for the petitioner has relied upon the order dated 14.12.2020 passed in CRM-M-11135-2019 and submits that the petitioner is also in custody for more than 2 years 2 months and 12 days and the trial is not proceeding due to Covid-19 situation. The operative part of the order reads as under:-

“Learned counsel for the petitioner submits that petitioner is in judicial custody for the period of last 02 years, 02 months and 13 days and out of total 11 prosecution witnesses, only 03 witnesses have been examined so far, hence, on account of this reason as well as due to Covid-19 situation, the trial is likely to take a long time in its conclusion.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual

position, however, submitted that recovery is of commercial quantity.

I have heard learned counsel for the parties.

Without commenting on the merits of the case, considering the fact that petitioner is in judicial custody for the last about 02 years, 02 months and 13 days and due to Covid-19 situation, the conclusion of trial is likely to take some time, the present petition is disposed of and the petitioner is ordered to be released on interim bail till 25.05.2021, on his furnishing 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.”

After hearing learned counsel for the parties, without commenting on the merits of the case, considering the fact that petitioner is in judicial custody for the last about 02 years, 02 months and 12 days and due to Covid-19 situation, the conclusion of trial is likely to take some time, the present petition is disposed of and the petitioner is ordered to be released on interim bail till 25.05.2021, on his furnishing 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

January 12, 2021

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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No