

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-19812 of 2020
Date of Decision: 23.02.2021

Resham Singh @ Darshan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

In this petition, on 26.08.2020, the following order had been passed
by this court (reproducing therein the earlier order passed on 06.08.2020):-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of regular bail, upon FIR no.38, dated 9.3.2019, having been registered at Police Station City Kotkapura, District Faridkot, for the alleged commission of an offence punishable under Section 21 of the NDPS Act, 1985.

On 6.8.2020, the following order had been passed by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Pursuant to the order dated 23.7.2020, the report of the

learned Additional Sessions Judge, Faridkot, has been received, stating therein that on 31.1.2020, the trial of the petitioner was adjourned for hearing to 19.2.2020, with defence evidence to be led/arguments to be addressed but with no defence witness present, and the matter therefore having been adjourned to 18.3.2020; but despite summons issued to defence witnesses, with one of them also served, none came present, with the case therefore adjourned to 10.4.2020, after which the matter has never been taken up for hearing due to the on going pandemic, with the next date of hearing now being 19.8.2020.

Adjourned to 26.8.2020 to determine as to whether the case is taken up on 19.8.2020 or not.”

Today, a report of the learned Additional Sessions Judge, Faridkot, has been received, stating to the effect that with the judge himself having been put in quarantine as two officials of his court were found to have tested positive for the Covid-19 virus, the matter could not taken up on 19.8.2020 and has been adjourned to 16.9.2020.

Learned counsel for the petitioner submits that the petitioner has been in custody for the past one year and five months now, with prosecution witnesses having all been examined in February, 2020 itself, but with no defence evidence possible to be led thereafter because of the ongoing pandemic and consequently, the petitioner is entitled to be admitted to bail under these circumstances.

Mr. Beniwal, learned AAG, Punjab, on the other hand submits that there being 5 other criminal cases registered against the petitioner, including 3 under the provisions of the NDPS Act, he does not deserve the concession of bail.

Having considered the matter, looking at the period of custody of the petitioner and the fact that the trial is not progressing any where (because of the current pandemic) despite the PWs having been examined, the petitioner is ordered to be admitted to interim bail till the next date of hearing before this court, upon him furnishing adequate bail bonds and surety to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

Adjourned to 11.1.2021.

It also needs to be noticed here that the quantity of heroin stated to have been recovered from the petitioner (as per the investigating agency) was 255 grams, which is slightly above the limit of commercial quantity, that quantity being above 250 grams.”

Thereafter, the interim order passed in favour of the petitioner having continued, today learned State counsel submits that as a matter of fact all prosecution witnesses now stand examined, with the next date of hearing before

the trial court being tomorrow for defence evidence, if any, and for arguments.

That being so, this being a petition in any case seeking “interim regular bail” during the pendency of the trial (which was obviously taking long during the period of pandemic), but now the trial having reached its concluding phase, the petitioner is directed to surrender before the trial court tomorrow and upon him doing so, necessary orders would be passed by that court as regards the bail and surety bonds furnished by him.

Obviously, the interim order passed on 26.08.2020 stands vacated with effect from 4:00 p.m. tomorrow.

This petition is disposed of in the above terms.

February 23, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No