

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

CRM-M-21653-2019
Date of decision: 04.01.2021

Asish Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 247 dated 08.10.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station Samrala, District Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police apprehended the petitioner on suspicion and recovered 5100 tablets of *Lomotil*.

Learned counsel further submits that petitioner is not involved in any other case; he is in judicial custody for the last about two years and three months and the trial is likely to take a long time in its conclusion as out of total twelve prosecution witnesses, examination-in-chief of only two witnesses has been recorded as the trial is delayed due to Covid-19 situation.

Learned State counsel has filed the custody certificate and has not disputed the fact that petitioner is in judicial custody for the last about

two years and three months and the trial is not proceeding due to Covid-19 situation.

Learned State counsel has further submitted that though charges were framed on 12.04.2019, however, examination-in-chief of only two prosecution witnesses has been recorded.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the custody period of the petitioner as well as the fact that he is not involved in any other case and the trial is not proceeding due to Covid-19 situation, the instant petition is disposed of and the petitioner is ordered to be released on interim bail till 31.05.2021 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.

Considering the fact that after framing of charge on 12.04.2019, the lock down period started in March, 2020, i.e. after a period of about eleven months, the trial Court is directed to submit a report before the Registrar General of this Court explaining the reasons for delay in recording the evidence during the aforesaid period.

Let the report be sent within a period of one month from today.

04.01.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*