

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

CRM-M-23654-2020
Date of decision: 07.01.2021

Rahul Aggarwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Kaura, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 44 dated 04.04.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Kotwali Bathinda, District Bathina.

The first petition, bearing CRM-M-49614-2019, was dismissed as withdrawn on 27.01.2020.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that petitioner is in judicial custody for the last about one year and nine months and till date, not even a single prosecution witness has been examined.

Learned counsel further submits that as per allegations in the FIR, the petitioner was found to be in possession of a commercial quantity of intoxicant tablets along with some money.

Learned State counsel has filed the custody certificate and has

not disputed the fact that trial is delayed due to COVID-19 situation and till date, no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last about one year and nine months and the trial is likely to take a long time in its conclusion as no prosecution witness has been examined so far, 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.

07.01.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No