

In virtual Court

CRM-M-31794-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31794-2021 (O&M)

Date of decision: 04.10.2021

Mukesh Kumar

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. A.M. Punchhi, Addl. PP, U.T. Chandigarh with
Mr. Anupam Bansal, APP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.124 dated 10.08.2019 under Section 22 of NDPS Act, registered at Police Station Maloya, U.T. Chandigarh; earlier one was disposed of vide order dated 07.01.2021, granting interim bail to the petitioner.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police recovered 12 injections of Buprenorphine 2 ml each and 12 injections of Pheniramine Maleate 10 ml each, which falls in the commercial quantity. It is further submitted that first petition for grant of regular bail filed by the petitioner was disposed of vide order dated 07.01.2021, granting him

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interim bail till 31.05.2021, considering the COVID-19 situation and also in view of the fact that the petitioner was in custody for the last 01 year and 05 months and no prosecution witness was recorded, at that stage. It is also submitted that after availing the interim bail, the petitioner has surrendered back and he has not misused the concession in any manner and now 02 PWs have been examined and custody of the petitioner is 01 year, 07 months and 16 days and he is not involved in any other case under NDPS Act.

Learned Sr. Standing counsel for U.T. Chandigarh has filed the custody certificate in the Court today and has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner is in long custody of more than 01 year and 07 months and he has not misused the concession of interim bail for a period of about 05 months, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, 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/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

04.10.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No