

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CRM-M-42681-2020

DATE OF DECISION: 26.07.2021

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... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arjunveer Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.17 dated 14.12.2017, under Sections 21 and 29 of the NDPS Act, 1985 and Section 14 of the Foreigners Act, 1946, registered at Police Station Special Task Force, Phase IV, Sahibzada Ajit Singh Nagar (Mohali).

Learned counsel for the petitioner contends that alleged recovery of 300 grams of heroin was effected from the petitioner. The petitioner is in custody for over 3 year and 5 months. He is not involved in any other case under the NDPS Act. He also contends that 3 prosecution witnesses who were examined are yet to be cross-examined. Three more prosecution witnesses have also to be examined. The trial has come to a standstill due to Covid-19 pandemic.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for over 3 years and 5 months. He also states that in similar circumstances, the coordinate Benches of this Court had granted concession of regular bail to the petitioners, who were also foreign nationals, and recovery of 300 grams was effected from them in CRM-M-7863-2017 on 14.03.2017 and CRM-M-2193-2019 on 07.09.2020 after the custody period of 9 months and 2 years respectively. Learned State counsel has filed reply which is taken on record. He also contends that in view of the serious allegations against the petitioner, he is not entitled to the

concession of regular bail. The petitioner is also convicted under the Prisons Act.

Heard.

In view of the above, especially when the petitioner is in custody for over 3 years and 5 months, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitioner shall appear before the SHO, Police Station STF, Phase IV, SAS Nagar Mohali every alternate Monday till the conclusion of the trial. He shall also surrender his passport and shall not leave the country till the conclusion of the trial. He shall furnish his mobile number and keep location of his phone on till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

26.07.2021

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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No