

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-705-2021

Date of Decision : January 14, 2021

Surinder Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ajay Kaushik, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.44 dated 4.4.2019 under Section 22 of the NDPS Act, registered at Police Station Kotwali, District Bathinda.

The first petition bearing CRM-M-55390-2019 was dismissed as withdrawn on 16.9.2020.

Counsel for the petitioner has relied upon the order dated 7.1.2021 vide which co-accused Rahul Aggarwal was granted the concession of regular bail in CRM-M-23654-2020 by passing the following order :-

“The first petition, bearing CRM-M-49614-2019, was dismissed as withdrawn on 27.01.2020.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

Counsel for the petitioner submits that the petitioner is in custody for the last about 01 year 09 months and till date not even a single witness has been examined.

Learned State counsel has, however, submitted that heavy recovery of intoxicant tablets was made but it is not disputed, as per the custody certificate that the petitioner is not involved in any other case.

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.

(ARVIND SINGH SANGWAN)
JUDGE

January 14, 2021
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO