

In virtual Court

CRM-M-45805-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45805-2019 (O&M)
Date of decision: 07.01.2021

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. Rajiv Sharma, APP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 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.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about 01 year and 05 months and is not involved in any other case under NDPS Act and till date, no prosecution evidence has been recorded. It is further submitted that as per allegations in the FIR, the police party, while on patrol duty, apprehended the petitioner on suspicion and recovered 24 injections of Buprenorphine and Pheniramine Maleate.

Learned counsel for U.T. Chandigarh has filed the custody certificate dated 07.01.2021 in the Court today and has not disputed the factual

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position. It is also not disputed that till date, no prosecution witness has been examined and the case is adjourned due to COVID-19 situation.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that this case is pending since November, 2019 and repeatedly, number of times, it has been adjourned, as in the intervening period, trial Court was not proceeding further, this petition is disposed of and the petitioner is directed to be released on interim bail till 31.05.2021 subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq 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**

07.01.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No