

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

CRM-M-49597-2019
Date of Decision : 21.01.2021

Raju Kumar Gupta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.60 dated 30.06.2019 under Sections 21, 22 of NDPS Act, 1985 at Police Station Sadar Nawanshahar, District S.B.S. Nagar.

Learned counsel for the petitioner submits that petitioner is in custody since 30.06.2019 and only two prosecution witnesses out of twelve have been witnesses so far and the trial is delayed due to COVID-19 situation.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case.

Learned State counsel submits that the recovery from the petitioner is of 7500 intoxicant tablets of Tramadol Hydrochloride, which falls in commercial quantity, however, it is not disputed that out of twelve prosecution witnesses, only two prosecution witnesses have been examined.

As per the custody certificate, filed today in Court, the petitioner is in judicial custody for the last about one year and six months and he is not involved in any other case.

Without commenting upon the merits of the case and considering the fact that petitioner is not involved in any other case and also in view of the fact that petitioner is in long judicial custody since 30.06.2019 and the case is still at the initial stage of recording prosecution witnesses, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

21.01.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No