

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-21403-2020 (O&M)

Date of decision: 21.04.2022

Naresh Kumar @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail in FIR No. 81 dated 25.08.2019, registered under Sections 21, 29 of the NDPS Act, 1985 at Police Station Special Task Force, Mohali, District S. A. S. Nagar.

While granting concession of interim bail to the petitioner, the following order was passed on 06.09.2021:

“Counsel for the petitioner has relied upon the order dated 10.2.2021 passed in CRM-M-20341-2020, Raghav Sharma @ Raghav Vs. State of Punjab. The operative part of the order reads as under :-

“Counsel for the petitioner has submitted that as per the allegations in the FIR, on a secret information that the petitioner Raghav Sharma along with his co-accused Naresh Kumar @ Mintu, are bringing intoxicant material, the FIR was registered and the police apprehended them and later on, the recovery of 300 gms. of Heroin was effected from both the petitioners. It is further

submitted that the petitioner is not involved in any other case and no witness of the prosecution has been examined so far.

Counsel for the State on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail. It is further submitted that charges have not even been framed against the petitioner till date.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; no PW has been examined so far; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is partly allowed and the petitioner is directed to be released on interim interim bail till 10.6.2021 subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Counsel for the petitioner submits that as per the custody certificate dated 10.2.2021, the petitioner is in custody for the last more than 02 years and the trial not has yet started.

List again on 16.12.2021.

In the meantime, the petitioner is directed to be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.”

Learned counsel for the petitioner submits that due to COVID-19 situation, the trial is substantially delayed and even till date, there is no progress in trial as no prosecution witness has been examined so far.

The aforesaid fact is not disputed the learned State counsel on instructions from ASI Jagtar Singh.

In view of the same, the present petition is allowed and the order dated 06.09.2021, granting concession of interim bail to the petitioner, is hereby made absolute.

21.04.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No