

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

1. CRM-M-42681-2021 (O&M)

Munish Kumar @ Karan Kumar @ Kanu

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-4080-2022 (O&M)

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision : 28.07.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Lavanya Gupta, Advocate
for the petitioner in CRM-M-42681-2021.

Mr. J. S. Jaidka, Advocate
for the petitioner in CRM-M-4080-2022.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners in case FIR
No. 54 dated 20.04.2020, registered under Sections 21, 25 and 29 of the
Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station

S.T.F., Phase 4, S. A. S. Nagar.

Learned counsels for the petitioners submit that considering the COVID-19 situation as well as long custody, the petitioners were granted the concession of interim bail till 28.07.2022, vide orders dated 18.02.2022 and 18.01.2022, respectively.

Learned counsels further submit that as per allegations in the FIR, on the basis of a secret information, the police party apprehended the petitioners, who were coming on a motorcycle and recovered 360 grams of Heroin.

It is further submitted that it will be a matter of trial whether the provisions of Sections 42 and 50 of the NDPS Act were duly complied with or not. It is also argued that petitioner Vijay Kumar is the first offender; he is not involved in any other case and has undergone judicial custody for 01 year, 10 months and 05 days, when he was released on interim bail, whereas petitioner Munish Kumar @ Karan Kumar @ Kanu has undergone judicial custody for 01 year, 09 months and 03 days and he is involved in one more case but he is on bail in that said case.

Learned State counsel has filed the custody certificates and has not disputed the factual position. It is submitted that the position still remains the same as out of total 20 prosecution witnesses, examination-in-chief of only three prosecution witnesses has been recorded so far and the trial is delayed due to COVID-19 situation and on account of the fact that the priority is given to old cases.

On a Court query, learned State counsel, on instructions from ASI Jagtar Singh, submits that the petitioners have not misused the concession of interim bail during the intervening period and they are

regularly appearing before the trial Court.

After hearing learned counsel for the parties, considering the aforesaid submissions as well as the long custody of the petitioners and also in view of the fact that during the intervening period, the petitioners have not misused the concession of interim bail and the conclusion of trial is likely to take some time, the instant petitions are allowed. Interim bail granted to the petitioners, vide orders dated 18.02.2022 and 18.01.2022, respectively, are confirmed.

A photocopy of this order be placed on the file of other connected case.

28.07.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No