

Amit Singh Moni vs The State Of Himachal Pradesh on 12 October, 2020

Bench: Uday Umesh Lalit, S. Ravindra Bhat, Hrishikesh Roy

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.668 OF 2020
(Arising out of SLP (Criminal) No.3813 of 2020)

AMIT SINGH MONI

Appella

Versus

STATE OF HIMACHAL PRADESH

Res

O R D E R

Leave granted.

This appeal challenges the order dated 10.07.2020 passed by the High Court of Himachal Pradesh, Shimla in Crl. M.P. (M) No.1107 of 2020.

The appellant (accused no.2) is facing prosecution in Case No.135 of 2018 on the file of the Special Judge-II, District Mandi, Himachal Pradesh in connection with crime registered pursuant to FIR No.62 dated 23.02.2018 with Police Station Sadar Mandi, District Mandi, Himachal Pradesh, for the offences punishable under Sections 20 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

The application preferred by the appellant for release on bail under Section 439 of the Code of Criminal Procedure, 1973 ('the Code', for short) having been rejected by the High 18:13:29 IST Reason:

Court, the appellant has preferred this appeal. According to the case of the prosecution, in a vehicle occupied by five persons including the appellant, contraband material ("Charas") weighing 3285 grams was found concealed behind the panel of the front left side door of the vehicle.

It is accepted that seven witnesses have already been examined in the trial and seven more witnesses are yet to be examined. The last witness was examined in February

2020 whereafter there is no further progress in the trial because of the COVID-19 pandemic situation. It is also accepted that the appellant was taken in custody on 23.02.2018 and, as such, he has completed more than 2 years 7 months of actual custody.

Considering the facts and circumstances on record, in our view, the appellant is entitled to the benefit under Section 439 of the Code. We order accordingly.

The appellant shall be produced before the Trial Court within three days from today and the Trial Court shall release him on bail, subject to such conditions as the Trial Court may deem appropriate to impose to ensure his presence and participation in the pending trial.

We may also observe that since seven witnesses have already been examined, the Trial Court shall conclude the trial as early as possible.

With the aforesaid observations, the appeal is allowed.

.....J. [UDAY UMESH LALIT]J. [S. RAVINDRA BHAT]J.
[HRISHIKESH ROY] NEW DELHI;

OCTOBER 12,2020.

ITEM NO.12 COURT NO.4 SECTION II-C (HEARING THROUGH VIDEO CONFERENCING) S U P
R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Petition for Special Leave to Appeal
(Crl.) No.3813/2020 (Arising out of impugned final judgment and order dated 10-07-2020 in
CRMPM No.1107/2020 passed by the High Court Of Himachal Pradesh At Shimla) AMIT SINGH
MONI Petitioner(s) VERSUS STATE OF HIMACHAL PRADESH Respondent(s) (IA
No.78924/2020 – FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and,
IA No.78923/2020 – FOR EXEMPTION FROM FILING O.T.) Date : 12-10-2020 This matter was
called on for hearing today. CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT HON'BLE MR. JUSTICE S.
RAVINDRA BHAT HON'BLE MR. JUSTICE HRISHIKESH ROY For Petitioner(s)
Ms. Kamini Jaiswal, Adv.

Mr. Rohit Kumar Singh, AOR Ms. Rani Mishra, Adv.

Mr. Shrey Saini, Adv.

For Respondent(s) Mr. Abhimanyu Jhamba, Adv.

Ms. RA Thonpinao Thangal, Adv.

Ms. Hemlata Ranga, Adv.

Mr. Ashish Jhamb, Adv.

Mr. Samir Ali Khan, AOR UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is allowed, in terms of the Signed Order. Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER