

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

259

**CRM-M-21891-2019**

**DATE OF DECISION: 19.12.2019**

**GURWINDER SINGH**

**... Petitioner(s)**

***Versus***

**STATE OF PUNJAB**

**... Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Preetinder Singh Dhaliwal, Advocate  
for the petitioner(s).

Mr. K.K. Bheniwala, Addl. A.G., Punjab.

**ANUPINDER SINGH GREWAL, J. (ORAL)**

The petitioner is seeking regular bail in FIR No.03 dated 04.01.2019, under Section 22 of the NDPS Act, 1985, registered at Police Station Dhanaula, District Barnala.

Learned counsel for the petitioner contends that the allegations against the petitioner are that the petitioner was driving a motorcycle and intoxicating tablets with a total weight of 782 grams Tramadol were allegedly recovered from a bag carried by the pillion rider. The petitioner is in custody for over almost a year since his arrest on 04.01.2019. He is not involved in any other case under the NDPS Act. He also contends that prior to 26.04.2018, possession of Tramadol did not constitute an offence under the NDPS Act. He has relied upon the judgment of coordinate Benches of this Court in the case of **Kashmir Singh Vs. State of Punjab**, in CRM-M-7437 of 2019, decided on 21.02.2019 wherein the petitioner therein had been granted regular

bail as he was in custody for over seven months and the judgment in the case of **Karaj Singh Vs. State of Punjab**, in CRM-M-23811 of 2018, decided on 09.07.2018, wherein the petitioner therein had been granted regular bail after custody of six months. The present petitioner is in custody for over 11 months and 18 days.

Learned State counsel, upon instructions from ASI Karamjit Singh, states that 4 out of 14 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for almost a year, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)  
JUDGE

19.12.2019.

SwarnjitS

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |