

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

109+239

CRM-27191-2019 IN/AND CRM-M-32736-2019

DATE OF DECISION: 20.11.2019

SUKHWINDER SINGH @ HARRY

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

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

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.127 dated 11.06.2018, under Sections 22 & 25 of the NDPS Act, 1985, registered at Police Station Kotwali, District Bathinda.

Learned counsel for the petitioner contends that the petitioner was found in possession of tablets with a total weight of 416 grams of Tramadol. He further contends that earlier Tramadol was not covered under the NDPS Act and only after the notification issued on 26.04.2018, Tramadol has been brought within the ambit of the NDPS Act. He also contends that the first informant had himself conducted the investigation which had caused prejudice to the petitioner. The petitioner is in custody for over 1 year and 6 months. He is not involved in any other case 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.

Learned State counsel, upon instructions from HC Ram Swaroop, states that 1 out of 12 prosecution witnesses has been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over 1 year and 6 months, 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.

Criminal miscellaneous application also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

20.11.2019.
SwarnjitS

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