

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

CRM-M-49673 of 2019

Date of Decision: 27.11.2019

Gurmail Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Munish Garg, Advocate  
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

\*\*\*\*\*

**MAHABIR SINGH SINDHU, J.(Oral)**

Present petition has been filed under Section 439 seeking bail pending trial in case FIR No. 115 dated 21.08.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City-2, Mansa, District Mansa.

It is contended by learned counsel for the petitioner that the recovery effected from the petitioner is alleged to be 244.80 gms. of Tramadol Hydrochloride, which is less than the commercial quantity. He further contended that the petitioner is in custody since 21.08.2019, after investigation in the matter report under Section 173 Cr.P.C. has been submitted and charges were framed on 01.11.2019, but out of total 10 prosecution witnesses, none has been examined till date and there is no other criminal case pending against him.

The above factual position has been duly acknowledged by learned State counsel on instructions from ASI Jagtar and filed the custody certificate of the petitioner in the Court today. The same is

taken on record.

Heard learned counsel for the parties and perused the paper book.

Since the investigation is already over in the matter and the alleged contraband recovered from the petitioner is non commercial, therefore, the embargo of Section 37 of the NDPS, Act would not be attracted. Keeping in view the fact that the petitioner is in custody since 21.08.2019 and charges have already been framed in this case on 01.11.2019; there are total 10 prosecution witnesses, but none has been examined till date. Thus, the trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Gurmail Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

**[MAHABIR SINGH SINDHU]**  
**JUDGE**

November 27, 2019  
*rashmi*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | yes/no |
| Whether reportable?       | yes/no |