

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

CRM-M-963-2020 (O&M)

Date of decision:01.12.2020

Sanjay Kumar alias Tari

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. B.S. Jatana, Advocate for the petitioner.

Mr. Mehardeep Singh Dullat, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.
Custody certificate by way of an affidavit dated 28.11.2020 of

Deputy Superintendent, Central Jail, Bathinda, filed through email, is taken
on record.

Through this petition under Section 439 Cr.P.C., the petitioner
seeks regular bail in case bearing FIR No.223 dated 30.09.2019 registered
under Section 22 of the Narcotic Drugs and Psychotropic Substances Act,
1985, at Police Station Raman, District Bathinda.

Learned counsel for the petitioner submits that the alleged
recovery of 400 tablets of TREDOL-100 containing salt 'Tramadol
Hydrochloride' was effected from the petitioner. The petitioner has been in
custody since 30.09.2019.

Learned counsel for the petitioner relies upon the judgments
passed by the Coordinate Benches of this Court in *CRM-13662-2020* titled
'Niranjan Kumar @ Kaka Vs. State of Punjab, CRM-14474-2020 titled

'Dharminder Singh Vs. State of Punjab, CRM-21020-2020 titled 'Amritpal

Singh Lamberdar Vs. State of Punjab, CRM-6433-2018 titled `Pawan Kumar Vs. State of Punjab and CRM-16380-2020 titled `Buta Singh Vs. State of Punjab indicating that the recovery was effected from beneath the earth or on the side of the road and not from his personal possession.

Learned counsel for the petitioner also relies upon para 10 of the judgment passed by a Coordinate Bench of this Court in CRM-13423-2020, titled `Pritam Singh Batra @ Giffy Vs. State of Punjab dealing with Section 37 (1)(b)(ii) of the NDPS Act.

Learned State counsel, while opposing the prayer for grant of bail to the petitioner, refers to the judgment passed by Hon'ble Supreme Court in Criminal Appeal Nos.154-157 of 2020 titled State of Kerala etc. Vs. Rajesh etc. in which the alleged recovery was effected from the possession of the petitioner.

Learned State counsel points out that the charges have already been framed against the petitioner and out of ten witnesses, none has been examined so far. It is further pointed that the petitioner is also involved in two other cases under the Excise Act.

At this stage, learned counsel for the petitioner submits that in one of the cases the petitioner has already been acquitted.

I have heard learned counsel for the parties.

The petitioner has been in custody since 30.09.2019. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

01.12.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No