

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

CRM-M-15640 of 2020

Date of Decision: 02.07.2020

Gurmej Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Rahi Mehra, Advocate
for the petitioner.

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

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.83, dated 10.07.2018, having been registered at Police Station Jhabal, District Tarn Taran, alleging therein the commission of an offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in custody for about 2 years now since July 10, 2018, with only one prosecution witness out of 9 having been examined so far, and further, as regards the petitioner the quantity of contraband allegedly recovered from him (as per the case of the prosecution), it is far less than commercial quantity.

Mr.Dullat, Addl.A.G., Punjab, on the other hand submits that the total quantity recovered from petitioner and his wife, i.e. his co-accused, being far more than commercial quantity, he does not deserve the concession of bail, to which learned counsel for the petitioner submits that what was recovered from the petitioner's wife (even as per the case of the prosecution), was not in the conscious possession of the petitioner.

Without making any comment on the aforesaid contention, because it is seen that the recovery was not made from the pocket of either of the two (as per the FIR at least), simply keeping in view of the period of custody of the petitioner, with only one prosecution witness having been examined and no other case stated to have been registered against him, the petition is allowed and the petitioner is ordered to be admitted to bail upon furnishing adequate bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

July 02, 2020

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO