

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

CRM-M-17235 of 2020

Date of Decision: 28.09.2020

Malkit Singh @ Ghulla

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. SPS Tinna, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.55 dated 23.6.2019 under Sections 21 & 22 of NDPS Act registered at P.S Jhabhal, District Tarn Taran.

As per allegations, 300 grams of heroin was recovered from the possession of the petitioner, however, as per FSL report, recovery effected from the petitioner was 300 grams of Tramadol Hydrochloride.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated and that the recovery has been foisted on him and that the petitioner is in custody since 23.6.2019. He submits that the recovery effected from the petitioner is marginally above the commercial quantity.

Opposing the petition, the learned State counsel has submitted that charges have been framed against the petitioner though the trial has not yet commenced because of the Covid pandemic.

Without commenting anything on the merits of the case and also bearing in mind the fact that the petitioner is in custody since 23.6.2019, in my opinion, no useful purpose will be served by detaining the

petitioner behind bars any further. The petition, as such, is accepted. The petitioner Malkit Singh @ Ghulla is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

This present petition stands accepted accordingly

September 28, 2020
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No