

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.212

CRM-M-17165-2020

Date of decision : 10.9.2020

Sunil Kumar @ Sarabjit @ Sabi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No. 76 dated 3.7.2019, registered at Police Station Division No.2, District Jalandhar, under Section 22 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in custody for over one year and the trial is not likely to be concluded at an early date as no prosecution witness has been examined till date. Alleged recovery of 10 injections of buprenorphine was made from the petitioner and the weight of the narcotic substance so recovered is 20 grams, which is on the threshold of commercial quantity. Co-accused, namely, Balvir Kumar, from whom larger quantity of buprenorphine was recovered, has been granted regular bail by this Court vide order dated 12.5.2020 (Annexure P-2) passed in CRM-M-44090-2019 and thus, the petitioner also deserves the same concession.

Custody certificate dated 9.9.2020 has been presented in Court and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 01 year, 02 months and 04 days and there is one other case under the NDPS Act, 1985 pending against him.

Learned State counsel opposes the prayer for bail on the ground of another pending criminal case under the NDPS Act, 1985.

In response, learned counsel for the petitioner submits that the petitioner is on bail in the said case.

From the arguments raised by learned counsel for the parties, it is evident that the trial is not likely to be concluded at an early date. It is also evident that the petitioner is in custody for a period of 01 year, 02 months and 04 days and that co-accused, Balvir Kumar, from whom a larger quantity of burprenorphine was recovered, has been granted regular bail by this Court vide order dated 12.5.2020 (Annexure P-2) passed in CRM-M-44090-2019. Pendency of another criminal case under the NDPS Act, 1985, would not prevent me to grant bail to the petitioner in this case as in the said case the petitioner has already been granted regular bail.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

10.9.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No