

CRM-M-18278-2020

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

**CRM-M-18278-2020 (O & M)
Date of Decision: 29.07.2020**

Amit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is being taken up for hearing through video conferencing.

CRM-16940-2020

Allowed as prayed for, subject to all just exceptions. Annexure
P-3 is taken on record.

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Custody certificate by way of affidavit of the Deputy
Superintendent, Central Jail, Bathinda, has been filed through e-mail. Print
out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case
FIR No.259 dated 22.12.2019, registered at Police Station Kotwali, District
Bathinda, under Section 21 of NDPS Act, 1985.

Learned counsel for the petitioner contends that 260-gram of

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heroin, allegedly, recovered from the petitioner and the co-accused is marginally above the commercial quantity; that the petitioner has been in custody since 22.12.2019 and that co-accused, Charanjit Singh, has already been granted regular bail by this Court vide order dated 14.07.2020 (Annexure P-3) passed in CRM-M-16672-2020.

Per contra, learned State counsel opposes the prayer made in the present petitioner. The learned State counsel, on instructions from ASI Sandhura Singh, points out that case before the trial Court is pending for framing of charge. However, he does not dispute the fact that the recovery effected from the petitioner and his co-accused is marginally above the commercial quantity.

I have heard the learned counsel for the petitioner.

The petitioner has been in custody since the day of his arrest i.e. 22.12.2019. The trial of the case would take time to conclude. Moreover, co-accused, Charanjit Singh @ Channi has already been enlarged on bail. 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.

29.07.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No