

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

CRM-M-19243-2020(O&M)

Date of decision: - 06.08.2020

Malkit Singh @ Jodha

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vinod Kumar, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 124 dated 22.06.2019 registered under Sections 22/61/85 of NDPS Act at Police Station Goraya, District Jalandhar Rural.

Learned counsel for the petitioner states that the recovery effected from the petitioner is marginally higher than the commercial quantity. The petitioner has been in custody since 22.06.2019. The provisions of Section 50 of NDPS Act has not been complied with.

He further submits that the petitioner has been falsely implicated in the present case.

Copy of custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel through email, is taken on record. As per the custody certificate, the petitioner has undergone for a period 1 year, 1 months and 13 days. He further submits that out of 8 prosecution witnesses, 2 prosecution witnesses have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.06.2019. The trial will take time to conclude and no useful purpose would be served by detaining 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 petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

06.08.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No