

CRM-M No.20165 of 2020 (O&M)
Date of Decision : 01.10.2020

Inderjit Singh ...Petitioner

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

B.S. Walia, J. (VC)

Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.112, dated 09.05.2019, registered under Section 22 NDPS Act of 1985, at Police Station City Faridkot, District Faridkot.

2. Learned counsel contends that the petitioner has been falsely implicated in the case, that mandatory provisions of Section 50 of the NDPS have not been complied with, conclusion of trial would take time as out of 13 witnesses, not even a single witness has been examined till date and that the petitioner has been in custody since 06.1.2020 and earlier thereto prior to grant of interim bail he was in custody for two months, besides, the recovery from the petitioner of 650 tablets of Clovidol-100SR is only marginally higher than the commercial quantity.

3. Learned counsel relies upon the order passed by a Coordinate

Bench in CRM-M-41242 of 2019 in case titled as **Jagjit Singh @ Jagga Gill versus State of Punjab**, 2020(2) RCR (Criminal) 612, where although the recovery of contraband was slightly higher than the commercial quantity and one of three accused was involved in one more case, regular bail was granted to the petitioners therein by taking into account that the petitioners therein had been in custody for a number of months and that out of the 17 witnesses cited by the prosecution, 6 witnesses had been given up while the remaining were yet to be examined.

4. Learned counsel contends that even in the instant case, the recovery is marginally higher than the commercial quantity besides, it is not the case of the State that in case the petitioner is released on bail, he would tamper with the evidence or influence the witnesses or repeat the offence and that appropriate condition can be incorporated in the order granting bail and further no independent witness was associated.

5. Learned DAG, on the other hand, while not controverting the aforementioned factual position contends that the petitioner is involved in another case under the NDPS Act though he is on bail in the said case and further that the petitioner was granted interim bail till receipt of the report of the chemical examiner but on receipt of the report that the recovery was of commercial quantity, the interim bail was cancelled.

6. I have considered the submissions of learned counsel for the parties.

7. Taking into account that the petitioner has been in custody since 06.1.2020 and earlier thereto prior to grant of interim bail he was in

tablets of Clovidol-100SR is only marginally higher than the commercial quantity, conclusion of trial would take time as out of 13 witnesses, not even a single witness has been examined till date, without expressing any opinion on the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing requisite bail/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, concerned, provided he is not required in any other case. It is made clear that in case of involvement of the petitioner in any similar case while on bail, bail granted to the petitioner in the instant case would be liable to be cancelled on the prosecution moving an application in respect thereto.

8. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

October 01, 2020

'ps-Amit'

Whether speaking/ reasoned : *Yes/No*

Whether reportable : *Yes/No*