

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-20994-2020

DATE OF DECISION: 29.10.2020

LAKHWINDER SINGH

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.320 dated 05.12.2019, under Section 22 of the NDPS Act, registered at Police Station City Rajpura, Tehsil Rajpura, District Patiala, Punjab.

Learned counsel for the petitioner contends that the alleged recovery which has been effected from the petitioner and the co-accused is 10 injections of Buprenorphine (2 ml each). He further contends that if the recovery is divided between two accused, it would fall below the commercial quantity. The petitioner is in custody for over 10 months and is not involved in any other case under the NDPS Act. Learned counsel has relied upon the judgments of the coordinate Benches of this Court in the case of **Kashmir Singh vs. State of Punjab**, in CRM-M-7437 of 2019, decided on 21.02.2019, the petitioner therein had been granted regular bail as he was in custody for over seven months and the judgment in the case of **Karaj Singh vs. State of Punjab**, in CRM-M-23811 of 2018, decided on 09.07.2018, the petitioner therein had been granted regular bail after custody of six months.

Learned State counsel, upon instructions from ASI Gurpreet, has filed the custody certificate which indicates that the petitioner is in custody for over 10 months and 21 days.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, the judgments of the coordinate Benches of this Court, the recovery being marginally higher than the commercial quantity, the petitioner is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

29.10.2020.

SwarnjitS

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