

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

Crl. Misc. No.M-22465 of 2020

Date of Decision:- 25.08.2020

Mahinder Singh

....Petitioner

vs.

State of Punjab

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in FIR No.29 dated 22.2.2018 registered at Police Station, Goindwal Sahib, District Tarn Taran, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act, 1985').

Learned counsel for the petitioner submits that the petitioner has been in custody since the date of registration of the FIR and the trial is not likely to conclude any time in the near future as prosecution evidence is still going on. Considering the period already undergone as well as the fact that the trial is not likely to be concluded at an early date, the petitioner deserves to be granted regular bail.

Learned State counsel accepts that prosecution evidence is in progress and that the petitioner has been in custody since the date of registration of the FIR. He, however, opposes the prayer for bail on the

ground that there are other cases under the NDPS Act, 1985 pending against the petitioner, although the petitioner is on bail in the said cases. A conviction has also been recorded against the petitioner under the NDPS Act, 1985 in which he has been sentenced to undergo RI for one month.

Learned counsel for the petitioner submits in rebuttal that the sentence in the case in which the petitioner was convicted shows that small quantity of narcotic substance was recovered from him. The other two pending cases are also on account of recovery of small quantity of narcotics. The petitioner is not a criminal but is a user.

It is not in dispute that the petitioner is in custody for over two and a half years as on date and that the trial will still take some time to conclude. The other pending cases will not constitute a bar in granting regular bail to the petitioner as he has already been granted regular bail therein and the factum of recovery of small quantity of narcotics in the said cases indicates that the petitioner is a user and not a criminal.

Thus, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and it is directed to release the petitioner on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

August 25, 2020**poonam****(SUDHIR MITTAL)****JUDGE****Whether Speaking/Reasoned****Yes/No****Whether Reportable****Yes/No**