

CRM-M-27259-2020

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

CRM-M-27259-2020

Date of decision: 16.12.2020

Sandeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioner.

Mr. Randeep S. Khaira, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Deputy Superintendent, District Jail, Mansa, 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 bearing FIR No.83 dated 01.07.2019, registered at Police Station Bhikhi, District Mansa, under Sections 22, 25 and 60 of the NDPS Act, 1985.

Learned counsel for the petitioner contends that as per the prosecution version, 1500 tablets of Clovidol-100-SR had been recovered from a transparent plastic bag fell down from the motor-cycle being allegedly driven by the petitioner; that he has been in custody since 01.07.2019, and that there is no other case pending or registered against the petitioner. In support of his contentions, the learned counsel relies upon

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the judgments passed by the Coordinate Benches of this Court in *CRM-13662-2020* titled as 'Niranjan Kumar @ Kaka Vs. State of Punjab, *CRM-14474-2020* titled as 'Dharminder Singh Vs. State of Punjab, *CRM-21020-2020* titled as 'Amritpal Singh Lamberdar Vs. State of Punjab, *CRM-6433-2018* titled as 'Pawan Kumar Vs. State of Punjab and *CRM-16380-2020* titled as 'Buta Singh Vs. State of Punjab'.

Learned counsel for the petitioner also relies upon para 10 of the judgment passed by a Coordinate Bench of this Court in *CRM-13423-2020*, titled as 'Pritam Singh Batra @ Giffy Vs. State of Punjab' dealing with Section 37 (1)(b)(ii) of the NDPS Act.

On the other hand, learned State counsel opposes the prayer made in the present petition. He also submits that no prosecution witness has been examined so far despite framing of charges on 24.09.2019.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 01 year and 05 months. None of the prosecution witnesses has been examined so far. Trial of the case would take time to conclude. 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.

16.12.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No