

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

**CRM-M-29418-2021(O&M)**

**Date of decision: 02.08.2021**

Jasvir Singh @ Jassu

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 30 dated 16.02.2020, registered under Sections 21 and 29 of the NDPS Act, 1985, at Police Station STF Phase-4, District Mohali.

Learned counsel for the petitioner states that the petitioner along with co-accused, namely, Pardeep @ Deep has falsely been implicated in the present case. The alleged recovery of 582 grams of *Heroin* was effected from the motorcycle and the said motorcycle does not belong to the present petitioner in any manner. The petitioner has been in custody since 16.02.2020. There is no other case against the petitioner.

Copy of custody certificate by way of affidavit dated 31.07.2021 of the Deputy Superintendent, Central Jail, Faridkot, submitted by the learned State counsel through email, is taken on record.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the recovered contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity. Out of 14 prosecution witnesses, none has been examined so far. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.02.2020. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. There being no other case against the petitioner, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**02.08.2021**

*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No