

IN THE HIGH COURT OF PUNJAB AND HARYANA AND
CHANDIGARH

201 (PROCEEDINGS THROUGH V.C.)

CRM-M-1235-2021

Date of decision: 18.01.2021

SUKHJINDER SINGH @ HAPPY
V/S

...PETITIONER

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this second petition is for grant of regular bail in case
FIR No. 54 dated 31.05.2020 under Section 22 of the NDPS Act, 1985,
Police Station Baghapurana, District Moga.

It is the contention of the learned counsel for the petitioner that
the recovery, which has been effected from the petitioner, is of 400 tablets
of Etizolam and 1000 tablets of Tramadol which comes out to be 403 gms.
He contends that the petitioner is in custody since 31.05.2020.

Counsel for the State has informed the Court that the charge
has been framed on 05.01.2021 and no witness has been examined till date
out of total 13 witnesses.

Counsel for the petitioner asserts that this Court has been
granting bail to the accused where the recovery was at times up to 2 Kg and
the custody period was almost 1 year and 2 months. Keeping the principle
of the proportionality, he asserts that the petitioner be granted the
concession of regular bail especially in the light of the fact that there is no
other case against the petitioner except for the present one.

Counsel for the State could not dispute the said fact as according to the custody certificate also, there is no other case against the petitioner except for the present one.

Having considered the submissions made by the learned counsel for the parties and keeping in view the recovery, which has been effected from the petitioner and the period spent by the petitioner in custody as also the order dated 09.10.2020 passed by a Co-ordinate Bench in CRM-M-714 of 2020 titled as Baljeet Singh vs. State of Punjab (Annexure P-4) and he has no other case against the petitioner, the present petition is allowed. Petitioner is directed to be released on regular bail on furnishing bail bonds to the satisfaction of the Trial Court/Duty Magistrate/Chief Judicial Magistrate, Moga.

Any observations made herein above shall have no bearing on the merits of the case.

January 18, 2021
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No