

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3001-2021
(Heard through VC)
Date of decision: 09.02.2021

Jaskaran Singh @ Gauri

....Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case F.I.R. No. 38 dated 08.03.2020 under Section 22 of NDPS Act, 1985 registered at Police Station Nehianwala, District Bathinda.

Learned counsel for the State emailed custody certificate dated 08.02.2021 which is taken on record. As per this custody certificate, the petitioner has undergone 10 months and 28 days in custody and there is no other criminal case pending against him. He, on instructions from ASI Gurnaib Singh, further submits that after presentation of challan, the trial is fixed for framing of charges on 10.02.2021.

Learned counsel for the petitioner has referred to judgment passed by this Court in **CRM-M-23220-2020** titled as **Rakesh Kumar Singla V/s. Union of India**, decided on 14.01.2021 in which recovery of 37,000 tablets of Tramadol Hydrochloride 100 mg (Trade Name Clovidol-100 SR) was effected and regular bail had been granted. Further in **CRM-M-51702-2019** titled as **Ramandeep Sharma V/s. State of Punjab**, decided

on 25.01.2021, there was recovery of 1020 tablets of Alprasafe and 2400 tablets of Clovidol. The accused had been granted regular bail keeping in view that no other criminal case was pending against him.

A perusal of order dated 13.08.2020 passed by Special Court, Bathinda (Annexure P-2) shows that recovery from the petitioner was 5500 tablets (Clovidol-100 SR) which fall under the commercial quantity. The bail application was dismissed as per Section 37 of NDPS Act, 1985.

Since the trial in the present case has not even started and as per the custody certificate dated 08.02.2021, the petitioner is not facing any other criminal trial. Hence, without expressing anything on the merits of this case, this petition is allowed and the petitioner is ordered to be released on regular bail upon furnishing of bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

09.02.2021

Divyanshi

**RITU BAHRI
(JUDGE)****Whether speaking/reasoned:
Whether reportable:****Yes/No
Yes/No**