

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

212+104

**CRM-M No. 5337 of 2021(O&M)
Date of decision :14.09.2021**

Pawan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parneet Singh Baidwan, Advocate for
Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARNARESH SINGH GILL, J.
CRM-11870-2021

This is an application under Section 482 Cr.P.C for placing on record the consent memo dated 10.07.2020 (Annexure P-3) and also for exemption from filing certified copy thereof.

Notice in the application.

On the asking of this Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent-State and states that he has no objection if the application is allowed.

For the reasons mentioned in the application, the same is allowed as prayed for. Annexures P-3 is taken on record.

CRM-M No. 5337 of 2021

Prayer in this petition is for grant of regular bail in case FIR No. 0193 dated 10.07.2020 registered under Section 21 of NDPS Act, 1985 at Police Station Shahkot, District Jalandhar Rural.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. He further states that though the

alleged recovery effected from the petitioner is in commercial quantity but

he has been in custody since 10.07.2020. Ingredients of Section 50 of the NDPS Act have not complied with. The petitioner is not involved in any other case.

Custody certificate by way of affidavit of Additional Superintendent, Central Jail, Kapurthala dated 13.09.2021/14.09.2021 filed in the Court, same is taken on record.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel on instructions from ASI Dharminder Singh has stated that since the recovery is effected from the bag, Section 50 of the NDPS Act is not attracted and has not disputed the custody period of the petitioner. The charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.07.2020. The prosecution witnesses are yet to be examined. No other case has been registered against the petitioner. No useful purpose would be served by keeping the petitioner behind the bars. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

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.

14.09.2021

Rajeev (rvs)

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No