

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

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CRM-M-6184-2021

Date of decision : 03.11.2021.

Harjinder Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Munish Garg, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.471 dated 05.12.2020 under Sections 22, 61 and 85 of the NDPS Act (Section 29 of the NDPS Act added later on), registered at Police Station City Barnala.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused from whom 850 tablets of Tramadol Hydrochloride were recovered. The alleged recovery which has been effected from the petitioner is 100 tablets of Tramadol with a total weight of 40 grams which is much below the threshold of commercial quantity. He also contends that the petitioner is in custody for almost eleven months since his arrest on 07.12.2020 and is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from ASI Jagsir Singh, states that although challan has been filed but no prosecution witness has been examined so far. He has filed the custody certificate in Court, which indicates that the petitioner is in custody for 10 months and 23 days as on 02.11.2021.

Heard.

In view of the above especially when the recovery is non-commercial quantity, the petitioner is in custody for almost eleven months, he is not involved in any other case under the NDPS Act, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

November 03, 2021

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No