

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

207

CRM-M-5786-2020

Date of decision: 22.04.2021

Sukhchain Singh

... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Avtar Singh Sandhu, Addl.A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer is for grant of regular bail in case FIR No. 155 dated 21.08.2019, registered at Police Station Dirba, District Sangrur, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Custody certificate by way of affidavit of the Deputy Superintendent, Central Jail, Bathinda, has been filed through e.mail. Print out of the same is taken on record.

Learned counsel for the petitioner states that the raid was conducted on the basis of a secret information in which recovery of 900 tablets of Clovidol 100-SR and 600 Alprazolam tablets, was allegedly effected from the petitioner and other co-accused. It is further contended that though the recovery falls under the commercial quantity, yet the fact remains that the petitioner has been in custody for the last 01 year and 8 months. In respect of the other three cases mentioned in the custody

certificate, it is stated that two cases are under the Indian Penal Code and in the 3rd case under the NDPS Act, the petitioner has already been acquitted.

On the other hand, learned State counsel while vehemently opposing the prayer for grant of bail, states that as the recovery effected from the petitioner falls under the commercial quantity, he is not entitled to be released on bail. He further states that apart from the present FIR, there are two more cases pending against the petitioner. However, he does not dispute the fact that the said cases are not under the NDPS Act nor does he dispute the custody period of the petitioner and the acquittal of the petitioner in another case under the NDPS Act. He further states that out of 18 prosecution witnesses, 06 have already been examined.

I have heard the learned counsel for the parties.

As noticed above, the petitioner has been in custody for the last 01 year and 8 months and out of 18 prosecution witnesses, 06 have been examined thus far. Moreover, the other 02 cases are not under the NDPS Act. The trial of the case would take time to conclude due to Covid-19 Pandemic. Therefore, 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 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.

22.04.2021

anju

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No