

CRM-M-9728-2021

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

CRM-M-9728-2021 (O & M)

Date of decision: 25.08.2021

Gurmel Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naresh Kumar, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

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Prayer in the present application is for an early hearing of the
main petition.

Since the main petition is fixed for hearing today, itself, the
present application has become infructuous.

Disposed of accordingly.

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Through this petition, the petitioner seeks regular bail in case
bearing FIR No.144 dated 05.07.2020, registered at Police Station Sadar
Tohana, District Fatehabad, under Sections 22 (b) and 27-A NDPS Act,
1985.

Learned counsel for the petitioner contends that the recovery
allegedly effected from the petitioner falls under the non-commercial

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quantity; that the petitioner has been in custody since 06.07.2020, that report of the FSL is still awaited. So far as another case i.e. FIR No.30, dated 03.02.2020, Police Station Sadar Ratia, Fatehabad, under Section 15 NDPS Act, registered against the petitioner is concerned, the petitioner stands granted the benefit of anticipatory bail by a Coordinate Bench, vide order dated 09.08.2021.

On the other hand, learned State counsel opposes the prayer made by the learned counsel for the petitioner. He also submits that challan stands presented and the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The recovery allegedly effected from the petitioner falls under the non-commercial quantity. The petitioner has been in custody since 06.07.2020. The report of FSL is still awaited. In another case, the petitioner stands released on pre-arrest bail by a Coordinate Bench. Challan stands presented. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon, especially due to Covid-19. 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.

25.08.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No