

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218

CRM-M-11779-2021

DATE OF DECISION: 04.08.2021

DILBAG SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Malkiat Singh Hundal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.174 dated 05.08.2014, under Section 22 of the NDPS Act, 1985, registered at Police Station Sadar, District Tarn Taran.

Learned counsel for the petitioner contends that 130 grams of intoxicant powder containing Nitrazepam was allegedly recovered from him which is below the threshold of 500 grams as commercial quantity. The petitioner is in custody for over a year. He also contends that the petitioner is a labourer and was unaware that he has to appear before the trial court on each and every date after he had been granted bail. He undertakes that the petitioner shall, henceforth, appear before the trial court on each and every date and shall not absent himself without the prior permission of the court. He is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from ASI Mukhtiar Singh, contends that challan has been filed but no prosecution witness has been examined. He also contends that the petitioner had earlier been declared as proclaimed offender. He has filed custody certificate which indicates that the petitioner is in custody for a period of 1 year and 2 days.

Heard.

In view of the above, especially when the petitioner is in custody for over 1 year, recovery is non-commercial quantity, the petitioner 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.

The petitioner shall appear before the Police Station Sadar, Tarn Taran every alternate Monday till the conclusion of the trial and shall furnish his mobile number to the SHO. He shall also keep the location of his phone on till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

04.08.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No