

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

**CRM-21908-2021 in
CRM-M No.10340 of 2020 (O&M)
Date of Decision :09.08.2021**

Salamdin

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr.Gopal Singh Nahel, Advocate
for the applicant-petitioner.
Mr. Jagmohan S. Ghumman, DAG, Punjab.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

CRM-21908-2021

Application is allowed as prayed for and Annexures A1 and A2
are taken on record.

CRM-M-10340-2020

The petitioner, vide this petition under Section 439 of Cr.P.C.
prays for a regular bail in FIR No.345 dated 28.11.2019, under Section 22 of
NDPS Act, registered at Police Sation Sadar Dhuri.

As per the prosecution version recovery of 150 strips of
Clovidol 100-SR (1500 tablets) was caused from the petitioner and his co-
accused Jatinder Singh.

Learned counsel for the petitioner submits that apparently the

implication of the petitioner is false. He submits that the provisions of Section 50 and 42 of the NDPS Act were not complied with. And even though the charges have been framed but none of the 29 of the witnesses has been examined. Thus, it would take long for the trial to conclude. Whereas the petitioner is in custody for the past 1 year and 8 months. In reference to the order passed by the Co-ordinate Bench dated 07.01.2021 (Annexure A-1) in CRM-M-4575 of 2020 (Jatinder Singh Vs. State of Punjab), he submits for, the co-accused has been released, the petitioner is also entitled to concession of bail.

As opposed to this, learned State counsel submits that the recovery of contraband affected from the petitioner and his co-accused is commercial in nature. However, he fairly submits for, the co-accused Jatinder Singh has been enlarged on bail there is nothing to distinguish the case of the petitioner.

Concededly, the petitioner, is in custody for a period of 1 year and 8 months. Upon being pointedly asked, learned State counsel fairly submits that he is not involved in any similar case and has no such antecedents. Further, even though the charges have been framed but none of the 29 witnesses has been examined so far. And, in view of the crises the nation is faced with owing to the prevalent pandemic (Covid-19) there is a remote possibility of the trial being concluded in the immediate future. In any case, vide order dated 06.07.2021, a co-ordinate Bench had required the learned counsel for the petitioner to place on record the order whereby the co-accused Jatinder Singh was granted regular bail. The order dated 07.01.2021 (Annexure A-1) place on record shows that co-accused has since

been granted regular bail.

In the wake of the above and without advertng to the merits of the case this Court considered it appropriate to enlarge the petitioner on regular bail.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate. Nothing expressed hereinabove shall constitute an expression of any opinion on the merits of the case of either parties.

(ARUN PALLI)
JUDGE

09.08.2021
Manoj Bhutani

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