

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

CRM-M-17146-2021(O&M)
Date of decision: 06.09.2021

Dheeraj Sharma @ Sunny @ Baman

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rahil Mahajan, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

At this stage, Mr. Rahil Mahajan, Advocate, appears and files power of attorney on behalf of the petitioner with requisite 'no objection' from the earlier counsel. The same is taken on record.

Copy of custody certificate by way of affidavit dated 06.09.2021 of the Deputy Superintendent, Central Jail, Patiala, submitted by the learned State counsel through email, is taken on record.

The status report by way of affidavit dated 02.09.2021 of the Deputy Superintendent of Police, Special Task Force, Rupnagar Range, Mohali, already filed in the Registry, is taken on record.

Through this 2nd petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in case FIR No.123 dated 05.10.2020 registered under Section 21 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959, at Police Station Special Task Force, District STF Wing, Mohali.

Learned counsel for the petitioner submits that the alleged recovery of 260 grams of *Heroin* was effected from the petitioner, which is marginally higher than the commercial quantity. The petitioner has been in custody since 05.10.2020. There is no other pending case under NDPS Act against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail submits that as the recovered contraband is higher than the commercial quantity, therefore, in view of the bar contained in Section 37 of the NDPS Act, the petitioner is not entitled to the concession of bail. Out of 16 prosecution witnesses, only 3 have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.10.2020. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars. There is no other pending case under NDPS against the petitioner.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

06.09.2021
Mangal Singh

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