

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 17895 of 2021

Date of Decision: 07.7.2021

Dhiraj Kumar alias Goldy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 99 dated 22.6.2019 under Section 21 of the NDPS Act, 1985 registered at Police Station City Patti, District Tarn Taran.

Reply filed by Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, filed in the Registry, is taken on record.

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

Learned counsel for the petitioner submits that allegedly 260 grams of heroin was recovered from the petitioner, which is marginally above the commercial quantity; that the petitioner has been in custody since 22.6.2019; that the charges were framed on 03.1.2020 but no prosecution witness has been examined till date.

Learned counsel for the petitioner further submits that so far as the other case against the petitioner is concerned, the same pertains to the non-commercial quantity and the petitioner is on bail in that case.

On the other hand, learned State counsel submits that the recovery effected from the petitioner falls under the commercial quantity but has not disputed the fact regarding the custody period of the petitioner and that the other case, pending against the petitioner, the recovery effected is of non-commercial quantity.

In the present case, the recovery effected from the petitioner is marginally above the commercial quantity. As per the custody certificate, the petitioner has been in custody for the last 02 years and 13 days. The charges were framed on 3.1.2020 but no prosecution witness has been examined till date. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

July 07, 2021
Gurpreet

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