

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

**S. No.206**

**CRM-M-18937-2021 (O&M)  
Date of Decision: 21.05.2021**

**SURJEET SINGH**

**.....Petitioner**

**Versus**

**STATE OF HARYANA**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

**Present:** Mr. Parminder Singh Sekhon, Advocate,  
for the petitioner.

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**ARCHANA PURI, J. (ORAL)**

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This is a petition under Section 439 Cr.P.C. making prayer for grant of regular bail to the petitioner, in case bearing FIR No.21 dated 31.01.2021 under Section 21-B of NDPS Act, 1985, registered at Police Station Guhla, District Kaithal.

Notice of motion.

Ms.Harpreet Kaur, AAG Punjab, accept notice on behalf of respondent-State.

Heard on the bail petition.

As per version of the prosecution on 31.01.2021, in pursuance of the secret information, Surjeet Singh, was apprehended and after compliance of the requisite legal formalities, from the right pocket of the Jeans of the Surjeet Singh, a transparent polythene was recovered, which contained Smack, weighing 10 grams including the polythene.

It is now submitted by learned counsel for the petitioner that the extent of alleged recovery effected from the petitioner, falls in the category of 'non-commercial quantity.' He is in custody since 31.01.2021. Challan has been presented but still charge has yet not been framed. In view of grave situation due to Covid-19 pandemic, conclusion of the consequential trial is likely to take time. As such, a prayer for grant of regular bail has been made.

Learned State Counsel has resisted the claim for bail. She though does not dispute the presentation of the Challan and about the charge yet to be framed but she submits that the petitioner is habitual offender as another case bearing FIR No. 146 dated 04.09.2020 under Section 21-B, of NDPS Act, 1985, Police Station Guhla, District Kaithal is also pending against the petitioner, which also relates to the recovery of 18 grams of Smack.

Be that as it may, the fact remains that the petitioner had already been granted bail in the other FIR No.146 dated 04.09.2020, vide order dated 03.12.2020 passed by the co-ordinate Bench in case CRM-M-39339-2020. Considering the fact that, petitioner is in custody since 31.01.2021 and conclusion of the trial is likely to take long time, at this stage, I deem it appropriate to grant the benefit of regular bail to the petitioner.

Accordingly, the instant petition is hereby allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

**(ARCHANA PURI)**  
**JUDGE**

**May 21<sup>st</sup>, 2021**  
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**Whether speaking/reasoned : Yes/No**

**Whether reportable : Yes/No**