

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 19083 of 2021
Date of Decision: 02.7.2021**

Kali Bahadur Rawat

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vijay Lath, 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. 0216 dated 30.12.2020 under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Lalru, District S.A.S. Nagar (Mohali).

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

Learned counsel for the petitioner submits that the alleged recovery of the contraband, effected from the petitioner falls under the non-commercial quantity whereas the recovery effected from the co-accused falls under the commercial quantity. He further submits that the petitioner has been in custody since 30.12.2020 and that so far as the other FIR, which

was registered against the petitioner on 08.1.2021, is concerned, the

petitioner has been involved in that case on the basis of the disclosure statement.

On the other hand, learned State counsel submits that it is a case of chance recovery and the recovery of total contraband, effected from the two accused i.e. the petitioner and his co-accused, falls under the commercial quantity and the challan has already been presented.

I have heard the learned counsel for the parties.

The recovery effected from the petitioner falls under the non-commercial quantity. In the other FIR, the petitioner has been involved on the disclosure statement when he was in custody in the present case. In the present case, challan has been presented but the charges are yet to be framed. As per the custody certificate, the petitioner has been in custody for the last six month. The trial will take time to conclude due to Covid-19 pandemic. Thus, 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 02, 2021
Gurpreet

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