

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

CRM-M-19742-2021

Date of decision:09.08.2021

Sawinder Singh alias Shinder

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

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

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate dated 09.08.2021 of Deputy Superintendent, Central Jail, Amritsar, filed through email, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.31 dated 26.02.2019 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Patti, District Tarn Taran.

At the outset, learned State counsel submits that while on interim bail, another FIR No.247 dated 14.10.2020 under Sections 21 of the NDPS Act was registered against the petitioner, in which 25 grams Heroin was recovered from him.

At this stage, learned counsel for the petitioner states that the alleged recovery of 790 intoxicant tablets effected from the petitioner is marginally above the commercial quantity. He does not dispute the fact that the petitioner while on interim bail was booked in another FIR under the NDPS Act, in which he was released on regular bail by the trial Court, vide order dated 20.11.2020.

Learned State counsel further submits that as the petitioner is a

habitual offender, he does not deserve the concession of regular bail in the present FIR. It is further submitted that the charges are yet to be framed. The petitioner has been in custody for the last 8 months and 16 days.

I have heard the learned counsel for the parties.

In the present case, the petitioner has committed an offence under the NDPS Act, and while on interim bail, another FIR under the NDPS Act was registered against him, in which he was released on regular bail by the trial Court, vide order dated 20.11.2020. As far as the recovery in the present case is concerned, it is marginally above the commercial quantity and the petitioner has been in custody for the last 8 months and 16 days. The charges are yet to be framed. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and heavy surety amounting to Rs.1 lakh to the satisfaction of the learned trial Court/Duty Magistrate.

It is made clear that if the petitioner is found to be indulging himself into any other case under the NDPS Act, the prosecution will be at liberty to seek the cancellation on bail in the present case.

09.08.2021
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(HARNARESH SINGH GILL)
JUDGE

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