

211.

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

CRM-M-17008-2020

Date of decision: 27.01.2021.

KAMALJOT SINGH @ KAMAL

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashok Giri, Advocate, for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.12 dated 31.01.2020 registered under Section 22 of NDPS Act, 1985 at Police Station Kotwali Patiala, District Patiala.

Counsel for the petitioner submits that for the alleged recovery of 79 strips of intoxicating tablets containing Tramadol Hydrochloride from the possession of the petitioner, he is in custody since 31.01.2020. Each of the strip contained 10 tablets i.e. total 790 tablets having weight of 477 grams. He further submits that charges in the case have been framed on 27.10.2020 and as against 11 witnesses cited by the prosecution, no witness has been examined so far. In this manner, trial in the case will take time. He has relied upon order dated 11.11.2020 passed by this Court in **CRM-M-**

15358 of 2020 titled as ***Jagjit Singh alias Jagga Versus State of Punjab,***

whereby this Court has admitted the co-accused on bail for having found in possession of 72 strips of intoxicating tablets in the same incident.

Learned State counsel does not dispute the custody. However, she submits that in view of Section 37 of NDPS Act, grant of regular bail for commercial quantity is barred.

I have heard learned counsel for the parties.

Petitioner is in custody since 31.01.2020. There is no other case against him. Though in another case, he was found in possession of contraband while in custody, however, the quantity being small, he was granted bail in that case. As against 11 witnesses cited by the prosecution, not even a single witness has been examined in this case so far. In this manner, trial is not likely to be concluded in the near future in view of prevailing Covid-19 pandemic. Therefore, this Court finds that no useful purpose would be served by detaining the petitioner in further custody, while other co-accused is already admitted on regular bail by this Court.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

27.01.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.