

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

CRM-M-20988-2021 (O&M)

Date of decision: 09.11.2021

Malkit Singh @ Bobby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. A.D. S. Sukhija, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.107 dated 11.09.2013, registered at Police Station Jodhan, District Ludhiana Rural, under Sections 15 and 25 NDPS Act.

Copy of custody certificate by way of affidavit dated 09.11.2021, of the Additional Superintendent, Central Prison, Ludhiana, submitted by the learned State counsel through email, is taken on record.

Learned counsel for the petitioner contends that the petitioner was not arrested at the spot. He was declared a proclaimed offender on 07.11.2014 and thereafter, arrested on 21.10.2020. Recovery of 56 kgs of poppy husk allegedly effected from the co-accused Parminder Singh @ Soni, is marginally higher than the commercial quantity. Parminder Singh @ Soni has already been enlarged on bail, vide order dated 06.08.2021 passed by a Coordinate Bench. The petitioner has been in custody since 21.10.2020.

Learned counsel for the petitioner further submits that as far as, another case bearing FIR No. 164 dated 23.10.2020, registered under Section 15 of the NDPS Act, 1985, at Police Station Sidhwan Bet, District Ludhiana Rural, is concerned, the petitioner was indicted therein on the basis of a disclosure statement and that in the said case, he is on bail.

Learned State counsel, while vehemently opposing the prayer for bail submits that the recovered contraband falls under the commercial quantity and the petitioner is involved in one more case under the NDPS Act. However, he does not dispute the custody period of the petitioner and that in another case under NDPS Act, he is on bail. He submits that out of 10 prosecution witnesses, only 01 has been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.10.2020. The recovery was effected from the co-accused. Nine prosecution witnesses are yet to be examined. The conclusion of the trial would taken a long time. In another case under NDPS Act, the petitioner is on bail. 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

09.11.2021
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No