

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

CRM-M-22407-2021 (O&M)

Date of decision: 18.08.2021

Gurpreet Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. N.S. Sodhi, 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 status report by way of affidavit dated 10.08.2021 of the Deputy Superintendent of Police, Sub-Division Jalalabad, District Fazilka, already filed in the Registry, is taken on record.

Copy of custody certificate by way of affidavit dated 17.08.2021 of the Deputy Superintendent, Central Jail, Fairdkot, submitted by the learned State counsel through email, is taken on record.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No. 5 dated 05.01.2021 registered under Section 21 of the NDPS Act at Police Station Varioke, District Fazilka.

Learned counsel for the petitioner submits that the alleged recovery of 260 grams of heroin was effected from the petitioner, which is marginally above the commercial quantity and that the petitioner has been in custody since 05.01.2021. The challan has been filed and the prosecution witnesses are yet to be examined.

Learned counsel for the petitioner further submits that as far as FIR No. 4 dated 05.01.2021 is concerned, the same was registered at Police Station Kabarwala and the present FIR was registered on the same day at Police Station Vairoke, District Fazilka. The petitioner was involved in case bearing FIR No. 4 dated 05.01.2021, on the basis of the disclosure statement of co-accused/Gurbhej Singh, from whom alleged recovery was effected.

Learned State counsel, while vehemently opposing the prayer for bail submits that the recovered contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of commercial quantity. However, he does not dispute the custody period of the petitioner. He submits that challan stands presented and prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.01.2021. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, 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

18.08.2021
Mangal Singh

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