

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

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CRM-M-18110-2020 (O&M)

Date of Decision: 19.04.2021

SUNIL KUMAR @ SUNDRI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. PS Sekhon, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

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.76 dated 16.08.2019 registered at Police Station Special Task Force, Phasse-IV, District STF Wing, SAS Nagar (Mohali), under Sections 21 and 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that on the basis of a secret information and from the personal search of the petitioner, the alleged recovery of 450 grams of heroin was effected from him; that the petitioner has been in custody for the last 1 year 7 months 27 days and that there is no other case registered or pending against the petitioner.

Learned State counsel, while opposing the prayer for grant of regular bail to the petitioner, has not disputed the factum of custody period of the petitioner. He, however, submits that the recovery effected from the petitioner is huge and falls under the commercial quantity. He further states that the charges are yet to be framed.

Learned State counsel further states that another FIR No.65 dated 13.05.2014 registered at Police Station Division No.7, District Ludhiana, under Sections 21, 61 and 85 of the NDPS Act, 1985, is pending against the petitioner.

At this stage, learned counsel for the petitioner submits that the petitioner has already been acquitted in the aforesaid FIR on 16.10.2018.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.08.2019. Charge(s) is yet to be framed. Trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bar.

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 surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.04.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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