

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

**CRM-M-25087-2021(O&M)
Date of decision: 29.10.2021**

Love Kush

...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. Sandeep Kumar, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 165 dated 16.11.2020, registered under Sections 22 and 29 of the NDPS Act, 1985, at Police Station Shambhu, District Patiala.

The custody certificate by way of affidavit dated 29.10.2021 of the Deputy Superintendent Administration, New District Jail, Nabha, submitted by the learned State counsel, is taken on record.

Learned counsel for the petitioner submits that the petitioner has been made a scapegoat in the present case. The alleged recovery was not effected from the conscious possession of the petitioner, rather it was from the dicky of a Scooter and the same is not related to the petitioner in any manner. The Scooter was being driven by the petitioner. There are total four accused in the case, out of which two co-accused, namely, Amarjit Singh and Jagroop Singh, have already been granted anticipatory bail, vide orders dated

26.02.2021 passed by this Court.

Learned counsel for the petitioner further submits that there is no other case against the petitioner and the prosecution witnesses are yet to be examined. The petitioner has been in judicial custody since 16.11.2020

Learned State counsel, while vehemently opposing the prayer for bail submits that the recovered contraband falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 11 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.11.2020. The recovery was effected from the dicky of the scooter. The prosecution witnesses are yet to be examined, therefore, the conclusion of the trial would take a long time. Moreover, there is no other case against the petitioner, hence, 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

29.10.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No