

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 25275 of 2021

Date of Decision: 09.7.2021

Amit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karunesh Kaushal, Advocate
for the petitioner.

Mr. B.S.Sewak, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 74 dated 15.7.2020 under Sections 22/61/85 of the NDPS Act, 1985 registered at Police Station Ghall Khurd, District Ferozepur.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Bathinda has been filed through e-mail. Copy of the same is taken on record.

Copy of the report of Forensic Science Laboratory, Bathinda dated 27.8.2020 has been filed, through e-mail, which is taken on record.

Learned counsel for the petitioner submits that the present bail application has been filed after the receipt of FSL report, which indicates that the recovery effected from the petitioner is marginally above the commercial quantity; that there is no date on the recovery memo, which

indicates that the same has not been prepared at the spot; that the petitioner has been in custody for the last 11 months and 18 days; and that no other case is pending against him.

On the other hand, learned State counsel submits that the recovery effected from the petitioner falls under the commercial category but has not disputed the fact that no other case is pending against the petitioner. He further submits that in the present case, charges have been framed but no prosecution witness has been examined till date.

As per the custody certificate, the petitioner has been in custody for the last 11 months and 18 days. The charges have been framed but no prosecution witness has been examined yet. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

July 09, 2021
Gurpreet

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