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

CRM-M No. 25772 of 2021
Date of Decision: 22.12.2021

Kulwinder Singh @ Bhinda

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Arora, Advocate,
for the petitioner.
Mr. Vishal Malik, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail in his third attempt under Section 439 Cr.P.C in case bearing FIR No.294 dated 28.11.2019, registered under Section 22-B/61/85 of NDPS Act at Police Station Kalanwali.

CRM-M No.10316 of 2020 was dismissed on 12.11.2020. Thereafter, CRM-M No.6047 of 2021 was got dismissed as withdrawn on 16.02.2021.

FIR was registered on the basis of suspicion and the petitioner was apprehended thereafter. Notice under Section 50 of NDPS Act was issued to the petitioner and the petitioner opted for his search to be conducted before the Gazetted Officer. Vice Principal, Government ITI, Odda was called and in

his presence, search was effected. 600 tablets of Tramadol 100 mg were recovered from a plastic bag hanging on the handle of the motorcycle. The contraband was having batch number and date of manufacturing.

Learned counsel for the petitioner submits that *de hors* the quantity and merits of the case as noticed in the order dated 12.11.2020, petitioner is entitled to grant of regular bail on the basis of his long incarceration, particularly in view of the fact that there is no other case against him. The trial has not reached any substantial stage inasmuch as that one of the witness has been examined in chief so far out of 14 prosecution witnesses and cross-examination of the said witness is still to be conducted.

Learned counsel for the petitioner relies upon CRM-M No.20566 of 2019 titled '**Veeru vs State of Punjab**' decided on 19.11.2019, CRM-M No.41779 of 2020 titled '**Gurpreet Singh vs State of Punjab**' decided on 17.12.2020, CRM-M No.17481 of 2020 titled '**Mani Singh @ Maddi vs State of Punjab**' decided on 22.07.2020 and CRM-M No.25382 of 2020 titled '**Gurbaksh Singh vs State of Punjab**' decided on 02.09.2020 to contend that there is no criminal antecedent of the involvement of the petitioner in any other case except the present case in which he is in custody since 28.11.2019.

Trial of the case may take some time in view of status of trial as of now.

The factual position of the case is not in dispute.

Learned State counsel, however, opposed the bail on the basis of quantity of contraband which falls under the ambit of Section 37 of NDPS Act.

At this stage, without meaning anything on the merits of the case, long incarceration of the petitioner for the last more than 02 years, stage of the trial and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

22.12.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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