

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-26454-2021 (O & M)

Date of Decision: September 22, 2021

BALWINDER SINGH @ GYANI

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.90 dated 05.04.2021, under Sections 21-B, 27-A of the NDPS Act, registered at Police Station Sadar Fatehabad.

Learned counsel for the petitioner contends that the alleged recovery of 7.30 grams of heroin has been effected from him which is marginally above the threshold of 05 grams of small quantity. The petitioner is in custody for over 05 months. The petitioner was also involved in another case under the NDPS Act bearing FIR No.222 dated 24.10.2019 under Section 21 of the NDPS Act registered at Police Station Sadar Fatehabad but no recovery was effected from him in that case and he was arraigned as an accused on the statement of co-accused Charan Kaur from whom 03 grams of heroin was recovered.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 05 months and 16 days. He upon instructions from ASI Gurpal Singh states that the challan has been filed.

Heard.

In view of the above, especially when the recovery is just above the small quantity, petitioner is in custody for over 05 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 22, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No