

CRM-M-29688-2021

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

CRM-M-29688-2021

Date of decision:05.08.2021

Gurmej Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K.B.Raheja, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.96 dated 10.07.2019, registered at Police Station Vairo Ke, District Fazilka, under Section 22 NDPS Act.

Learned counsel for the petitioner contends that as per the prosecution version, 1800 intoxicant tablets containing the salt of 'Tramadol Hydrochloride', were recovered from the three accused, including the petitioner. It is nowhere mentioned in the FIR as to how and in which manner, the alleged recovery had been effected. Moreover, co-accused, namely, Suresh and Chhinder Singh, stand enlarged on bail by this Court vide orders dated 16.07.2021 (Annexures P-2 and P-3). He further contends that the mother of the petitioner is suffering from cancer. The petitioner has been in custody since 12.07.2019.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the

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recovery effected in the present case falls under the commercial quantity. There are as many as two other cases of similar nature, registered against the petitioner. Out of the aforesaid two cases, the petitioner stands released on bail in one case whereas in another case, he stands convicted. However, the learned State counsel does not dispute the custody period of the petitioner. Out of 12 prosecution witnesses, 02 witnesses have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.07.2019. Out of 12 prosecution witnesses, 02 witnesses have been examined so far. Trial is unlikely to conclude any time soon, especially due to Covid-19. Therefore, 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 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.

05.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No