

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 30551 of 2021

Date of Decision: 30.9.2021

Gagandeep Singh @ DK

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 44 dated 24.4.2021 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib dated 25.9.2021, filed in the Registry, is taken on record.

Custody certificate by way of affidavit of Additional Superintendent, Central Prison, Faridkot dated 29.9.2021 has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that recovery of 100 tablets of Carsioma and 10 vials of Wincirex-100 ML, was allegedly effected from the petitioner; that the alleged recovery is marginally above the commercial quantity; that Carisoma tablet does not fall under the NDPS

Act; that the petitioner has been in custody for the last 05 months and 05 days and that no other case of similar nature is pending against him.

On the other hand, learned Learned State counsel while opposing the bail petition, submits that the recovery effected from the petitioner is marginally above the commercial quantity. The prosecution witnesses are yet to be examined and the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

In the present case, the recovery effected from the petitioner is marginally above the commercial quantity. As per the custody certificate, the petitioner has been in custody for the last 05 months and 05 days and no other case of similar nature is pending against him. The prosecution evidence is yet to commence. 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

September 30, 2021
Gurpreet

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