

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-31810-2021 (O&M)
Date of Decision:23.08.2021**

Inderjit Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Abhimanyu Tewari, Advocate for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This is the second bail petition filed by the petitioners seeking regular bail pending trial in FIR No.12 dated 10.02.2021 under Sections 18/18(c)/25/29-62-85 NDPS Act, PS Kahnuwan, Gurdaspur.

Counsel for the parties have been heard.

As per prosecution version an alleged recovery of 2 kgs. and 600 grams of Opium was effected from the petitioners.

Petitioners have faced incarceration since 10.02.2021.

Investigation in the case having been completed, challan stands presented and even charges were framed on 06.08.2021.

Learned State counsel informs the Court that even though 11 prosecution witnesses have been cited but none has been examined till date.

It has gone uncontroverted that the alleged recovery from the

petitioners would be construed marginally higher than the commercial quantity. Counsel for the petitioners has relied upon judgments of the Coordinate Benches of this court in CRM-M-24344 of 2014 decided on 22.08.2014 (*Vadhawa Ram Vs. State of Punjab*), CRM-M-14029 of 2015 decided on 06.05.2015 (*Kamlesh Vs. State of Punjab*) and CRM-M-25692-2017 decided on 26.10.2017 (*Sita Ram Vs. State of Punjab*) wherein benefit of bail had been granted in the cases where the alleged recovery also was of Opium and was marginally higher than the commercial quantity.

Counsel has been candid enough to apprise the Court that even though insofar as the petitioner No.1 is concerned, there is no other case under the NDPS Act but petitioner No.2 already stands convicted for offence under the NDPS but pertaining to a small quantity i.e.12 kgs.of poppy husk. Petitioner no.2 has already undergone the sentence that had been imposed.

Trial in the present case would take time to conclude and particularly keeping in view the current Covid Pandemic.

In an overview of the matter and without opining on the merits of the case, petitioners are held entitled to the benefit of bail.

Petitioners namely Inderjit Singh @ Baghi and Harjit Singh be enlarged on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No