

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

CRM-M-25747-2020

Date of decision:23.08.2021

Gurjant Singh alias Janti

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Arora, 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.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.72 dated 02.07.2018 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was arrested on 02.07.2018 and had been granted interim bail by a Coordinate Bench, vide order dated 18.09.2020. He has remained in custody for more than two years and two months, but the trial of the case is at a standstill and no witness has been examined so far. The learned counsel further contends that after getting the interim bail, the petitioner has not misused the concession of the same and has never got himself involved in any other criminal case.

On the other hand, learned State counsel, while opposing the prayer made in the present petition, submits that the recovery of 350-gram of heroin effected from the petitioner, falls under the commercial quantity.

However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

Though the petitioner has remained in custody for more than two years and two months, yet no prosecution witness has been examined so far. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by sending the petitioner to custody.

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 order dated 18.09.2020, granting interim regular bail to the petitioner, is made absolute, subject to his furnishing fresh bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

23.08.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No