

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

**CRM-M-923-2021 (O&M)
Date of decision: 24.11.2021**

Kundan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Riffi Birla, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.32 dated 28.02.2018, registered at Police Station Sadar Fazilka, District Fazilka, under Sections 18, 21 and 23 NDPS Act, 1985.

Custody certificate issued by way of affidavit dated 23.11.2021 of the Additional Superintendent, Central Jail, Ferozepur, submitted by the learned State counsel through email, is taken on record.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, because of the fact that he is having land beyond the fencing at Indo-Pak border. The challan was presented way back in 2018. Only 04 prosecution witnesses, out of 18

witnesses, have been examined so far. The alleged recovery of 2.750 kg. of *Heroin* and 290 gram of *Opium* was not effected from the petitioner and rather was effected from the land of Gram Panchayat. The petitioner has been in custody since 28.02.2018. There is no other pending or decided case against the petitioner.

In support of her case, learned counsel for the petitioner relies upon CRM-M-21911-2020 titled as 'Reena Rai @ Reena Rani Vs. State of Punjab, decided on 28.08.2020; CRM-M-33171-2019 titled as 'Manjeet Singh @ Baggar Vs. State of Punjab' decided on 13.08.2020; and CRM-M-1009-2020 titled as 'Mandeep Singh Vs. State of Punjab' decided on 20.01.2020.

Learned State counsel, while vehemently opposing the prayer for bail submits that the recovered contraband falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 18 prosecution witnesses, only 04 witnesses have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 28.02.2018. 14 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would taken a long time. The petitioner is not involved in any other case. 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

24.11.2021
Mangal Singh

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