

CRM-M-32452-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32452-2021 (O&M)

Date of decision:01.10.2021

Sukhvir Singh @ Happy

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gourave Bhayya Gilhotra, Advocate and
Mr. Akash Manocha, Advocate for the petitioner.

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

HARNARESH SINGH GILL, J. (ORAL)

Custody certificate, by way of an affidavit dated 30.09.2021 of Deputy Superintendent, District Jail, Rupnagar, filed in the Court, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.48 dated 21.06.2021, registered at Police Station Morinda, District Rupnagar, under Section 15 of the NDPS Act, 1985.

Learned counsel for the petitioner contends that the alleged recovery effected from the petitioner is marginally above the commercial quantity. The petitioner has been in custody since 21.06.2021.

Learned State counsel points out that the alleged recovery effected from the petitioner falls under the commercial quantity. There is no other case against the petitioner. The prosecution witnesses are yet to be examined. It is further submitted that the chemical examination report has been received.

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I have heard the learned counsel for the parties.

As noticed above, the alleged recovery effected from the petitioner is marginally above the commercial quantity. The prosecution witnesses are yet to be examined. The petitioner has been in custody since 21.06.2021 and there is no other case pending or registered against him. Trial of the case would take time to conclude, 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.

01.10.2021

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(HARNARESH SINGH GILL)
JUDGE

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