

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

237

CRM-M-34307-2021

Date of decision : 01.11.2021.

Harnek Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Parneet Singh Baidwan, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.38 dated 13.03.2021 under Section 22 of the NDPS Act registered at Police Station Shambu, District Patiala.

Learned counsel for the petitioner contends that it is alleged that the petitioner was sitting on the passenger seat and Alprazolam tablets with a total weight of 212.4 grams were allegedly recovered from the dashboard of the auto rickshaw. No recovery has been effected from the petitioner. He also contends that the petitioner is in custody for over seven months and is not involved in any other case under the NDPS Act. He has relied upon the judgments of the Coordinate Benches of this Court in the cases of **Thana Singh versus State of Punjab** bearing CRM-M-17392-2020, decided on 17.09.2020 and **Paramjit Singh @ Kala versus State of Punjab** bearing CRM-M-17714-2018, decided on 06.07.2018 wherein the petitioner(s) who were driving the motorcycle had been granted regular bail after custody of ten months and six months respectively as the recovery had been effected from the pillion rider.

Learned State counsel, upon instructions from ASI Bhan Singh, states that although charges have been framed but no prosecution witness has been examined so far. He has filed custody certificate in Court, which indicates that the petitioner is in custody for 07 months and 13 days as on 30.10.2021.

Heard.

In view of the above especially when the petitioner is in custody for over seven months, he is not involved in any other case under the NDPS Act, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

November 01, 2021

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No