

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

CRM-M-31612-2020

Date of decision:20.04.2021

Gurtej

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jagjit Gill, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.25 dated 22.01.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Dabwali, District Sirsa.

Learned counsel for the petitioner states that the alleged recovery of intoxicant tablets effected from the petitioner is marginally above the commercial quantity. The petitioner has been in custody since 22.01.2020. It is further stated that as per reply dated 11.11.2020, the recovery of 900 grams of poppy husk was effected from the petitioner in FIR No.445 dated 23.12.2014 registered under Sections 15 and 16 of NDPS Act and he was convicted and sentenced to pay a fine of Rs.250/- vide order dated 21.05.2015 and with regard to FIR No.62 dated 23.05.2006 registered under Sections 456, 448, 506 and 34 IPC at Police Station Rama Mandi (Punjab), the petitioner stood acquitted on

16.10.2009.

Learned State counsel, while opposing the prayer for regular bail, has not disputed the factum of custody period of the petitioner and the facts with regard to other FIRs registered against him. He further states that the recovery effected from the petitioner falls under the commercial quantity and the prosecution witnesses are yet to be examined. It is further stated that there is no other case under NDPS Act pending against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.01.2020. The trial will take time to conclude due to Covid-19 pandemic. Thus, 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 to the satisfaction of the learned trial Court/Duty Magistrate.

20.04.2021
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(HARNARESH SINGH GILL)
JUDGE

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