

**CRM-4433-2021 IN/AND
CRM-M-30317-2020**

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

(103+207)

**CRM-4433-2021 IN/AND
CRM-M-30317-2020
Date of decision:22.02.2021**

Gurjit Singh @ Lallah

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Kuljit Singh Bal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-4433-2021

This is an application for making correction in the head note as well as prayer clause of the petition by adding 'second bail application' in place of 'first bail application'.

Notice of the application.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and states that he has no objection if the present application is allowed.

In view of the above, the present application is allowed as prayed for and the Registry is directed to make the necessary corrections in the head note as well as prayer clause of the petition.

CRM-M-30317-2020

Custody certificate by way of an affidavit dated 20.02.2021 of

CRM-4433-2021 IN/AND
CRM-M-30317-2020

Deputy Superintendent, Central Jail, Faridkot, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.189 dated 10.07.2019 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner is of 1 Kg of Charas, which was weighed along with the polythene bag. The petitioner has been in custody since 10.07.2019 and there is no other case pending or registered against him.

Learned counsel for the petitioner relies upon the judgment of a Coordinate Bench of this Court in *CRM-48273-2017* titled `Satnam Singh @ Satta Vs. State of Punjab, delivered on 22.12.2017 to contend that the issue whether or not the recovery effected from the petitioner weighed along with the polythene bag, would fall under the commercial quantity.

Learned State counsel on the instructions from ASI Kulwant Singh, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner and the fact that there is no other case pending or registered against him. However, he further submits that the challan has been presented and the charges are yet to be framed.

I have heard learned counsel for the parties.

The petitioner has been in custody since 10.07.2019. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

CRM-4433-2021 IN/AND
CRM-M-30317-2020

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.

22.02.2021
ishwar

(HARNARESH SINGH GILL)
JUDGE

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