

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

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CRM-M-28159-2019

Date of decision : 26.10.2021.

Harpreet @ Happy

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.18 dated 27.02.2019 under Sections 21, 29 of the NDPS Act registered at Police Station Sadar Nawanshahr.

Learned counsel for the petitioner contends that the alleged recovery of 260 gram heroin along with the polythene bag was allegedly effected from the petitioner. He further contends that if the weight of the polythene bag was excluded, the recovery would have been on the borderline of commercial quantity. The petitioner was implicated in three other cases under the NDPS Act bearing FIR No.22 dated 10.02.2018 wherein he was discharged while in FIR No.194 dated 21.11.2018, he has been acquitted. There is only one more case under the NDPS Act bearing FIR No.108 dated 19.11.2018 wherein no recovery was effected from the petitioner and he has been arraigned as an accused on the statement of co-accused, namely, Jitender Kumar from whom 5 gram heroin was recovered. He also contends that it is

possible that the petitioner has been falsely implicated in the instant case as well. The petitioner is in custody for over two years and seven months. Learned counsel has relied upon the judgments of the Coordinate Benches of this Court in the cases of **Vishal Shah versus State of Punjab** bearing CRM-M-40876 of 2017, decided on 04.04.2018 wherein the petitioner therein, from whom, 270 gram heroin was recovered, had been granted regular bail after eight months and in another case titled as **Buta Singh versus State of Punjab** bearing CRM-M-41523 of 2015, decided on 16.02.2016 wherein the petitioner therein, from whom, 1 kg. heroin was recovered, had been granted regular bail after five months.

Learned State counsel has filed status report by way of an affidavit of Deputy Superintendent of Police, Nawanshahar Sub Division, District SBS Nagar wherein it is stated that the petitioner was involved in the aforementioned cases. It is also stated that there are number of cases against the mother and father of the petitioner. He, upon instructions from ASI Amarjit Singh, states that 02 out of 12 prosecution witnesses have been examined. He has filed the custody certificate in Court, which indicates that the petitioner is in custody for 02 years, 05 months and 26 days as on 28.08.2021.

Heard.

In view of the above especially when the petitioner is in custody for over 02 years and 07 months, 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.

However, the petitioner shall appear before the Police Station Sadar Nawanshahr on every Monday. At the time of release of the petitioner, the SHO of the concerned Police Station shall be informed and the petitioner shall furnish his mobile number to him. The petitioner shall also keep the location of his phone on till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

October 26, 2021

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