

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-36609-2021 (O & M)
Date of Decision: November 23, 2021**

SUKHDEV SINGH @ JAGGA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.142 dated 30.07.2019, under Sections 15 and 25 of the NDPS Act, registered at Police Station Dakhaa, District Ludhiana (Rura).

Learned counsel for the petitioner contends that the alleged recovery which has been effected from the petitioner is 58 kgs of poppy husk which is slightly higher than the threshold of 50 kgs as commercial quantity. He further contends that the petitioner was involved in another case under the NDPS Act wherein recovery of 5 kgs (non-commercial quantity) of poppy husk was allegedly recovered from him. He is on bail in that case. He also contends that the police party was on a private vehicle when the recovery was effected which is in violation of the instructions issued by the Director General of Police, Punjab on 04.05.2015 wherein it is directed that only official vehicles were to be used and in case private vehicle is used for investigation of any case, the details of vehicle e.g. Number, type, driver's name and payment details shall be duly recorded in the Case Diary of the case. The petitioner is in custody for over 02 years and 03 months.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 02 years, 03 months and 20 days. He states that the challan has been filed and 03 out of 10 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 02 years and 03 months, 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 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.

At the time of release of the petitioner, the SHO of the Police Station, Dakhaa, District Ludhiana (Rural) shall be informed and the petitioner shall furnish his mobile number to him. He shall keep the location of his phone on. He shall also appear before the Police Station, Dakhaa, District Ludhiana (Rural) on every alternate Monday till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

November 23, 2021
A.Kaundal

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