

CRM-M-40079-2021

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

CRM-M-40079-2021 (O & M)

Date of decision: 10.12.2021

Surinder Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjeev Kumar Arora, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-39170-2021

Since the main petition is fixed for hearing today, itself, the present application for an early hearing of the main petition has become infructuous.

Dismissed as having become infructuous.

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Through this petition, the petitioner seeks grant of regular bail in case bearing FIR No.74 dated 11.07.2021, under Sections 18 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 13-A of the Punjab Gambling Act, 1867, registered at Police Station Dhakoli, District SAS Nagar.

Status report dated 13/15.11.2021, by way of affidavit of the Deputy Superintendent of Police, Sub Division Zirakpur, District SAS

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Nagar, Mohali, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that a raid was conducted on the basis of some secret information; that recovery of 200 gram of opium allegedly effected from the petitioner, falls under the non-commercial quantity; that the petitioner has been in custody since 11.07.2021, and that there is no other case registered or pending against the petitioner. Moreover, co-accused, Rahul Arora @ Monti stands enlarged on bail by this Court, vide order dated 29.09.2021 passed in CRM-M-32959-2021. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel vehemently opposes the submissions made by the learned counsel for the petitioner for the grant of bail. It is also contended that although the challan stands presented, yet the charges are to be framed. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The recovery effected from the petitioner falls under the non-commercial quantity. The petitioner has been in custody since 11.07.2021. Trial is unlikely to conclude any time soon. As noticed above, the co-accused stands enlarged on bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, there is no other case pending or registered against the petitioner.

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

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furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

10.12.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No