

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

CRM-M-35429-2020 (O&M)
Date of decision: 09.04.2021

Arshdeep Singh

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Deepinder Brar, APP, U.T. Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-9469-2021

Application is allowed as prayed for. Annexures A-1 to A-4 are taken on record.

Main case:

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 279 dated 02.11.2019 registered under Sections 22 of the NDPS Act and 25/54/59 of the Arms Act, 1959, at Police Station North Sector-3, District Chandigarh, the first one having been dismissed as withdrawn vide order dated 10.01.2020 passed by this Court.

Learned counsel for the petitioner submits that the alleged recovery of 172+144.6=316.6 grams Tramadol effected from the petitioner is marginally above the commercial quantity. Out of 17 prosecution witnesses,

only 2 have been examined till date. There is no other case against the petitioner. The petitioner has been in custody since 02.11.2019.

While opposing the prayer of the petitioner, learned State counsel, on the instructions from SI Jaspal Singh, submits that the recovery effected from the petitioner, though is marginally above the commercial quantity, yet if released on bail, the petitioner may indulge into a similar crime again. However, he does not dispute the custody period of the petitioner and the fact that only 02 prosecution witnesses have been examined so far, and that there is no other case against the petitioner.

Copy of custody certificate dated 09.04.2021 issued by the Deputy Superintendent Grade-I, Model Jail, Chandigarh, submitted by the learned APP, UT Chandigarh, through email, is taken on record.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.11.2019. Though the case is at the stage of evidence, yet the trial will take time to conclude. 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 on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

09.04.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No