

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.36775 of 2020

Date of decision : 11.01.2021

GURTEJ SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Karanjeet Singh, Advocate, for the
Mr.Amit Mehta, Sr.DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.74 dated 03.07.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Rampura, district Bathinda.

The petitioner is being prosecuted for being in illegal possession of 700 tablets containing Tramadol Hydrochloride.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; no recovery has been made from the petitioner's person; the alleged recovery made from the petitioner is of 287 grams of Hydrochloride which is slightly higher than the prescribed "non-commercial" quantity; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 03.07.2020; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he was found in illegal possession of 287 grams of Hydrochloride and that if he is released on bail he is likely to commit similar offences.

Whether the alleged recovery of narcotics from a polythene bag being carried by the petitioner would be considered as recovery from the person of the petitioner would be debated during the course of the trial. However, he is in custody since 03.07.2020; he is not involved in any other criminal case; the alleged recovery from him is of 287 grams of Tramadol Hydrochloride which is slightly higher than the prescribed “non-commercial” quantity; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the petitioner's trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

11.01.2021
Jyoti-IV

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No