

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

CRM-M-38051 of 2020 (O&M)
Decided on:- January 19, 2021.

Gursewak Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-29459-2020

Prayer in this application filed under Section 482 Cr.PC is for substitution of paragraph No.14 of the petition by placing on record the amended petition. In paragraph No.14 of the petition, it is mentioned that two cases of non-commercial quantity are pending against the petitioner and he is on bail.

Learned counsel for the applicant-petitioner submits that it is on account of some typographical error, the aforementioned line was incorporated in the paragraph No.14 of the petitioner, which necessitated the

petitioner to seek substitution of paragraph No.14 of the petition by filing the amended petition.

For the reasons stated in the application, the same is allowed and the amended petition is ordered to be taken on record. The paragraph No.14 of the amended petition reads as under:

“14. That the petitioner has not been involved or convicted earlier in any case or under the NDPS Act. No case is pending against him under the NDPS Act.”

CRM-M-38051-2020

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in FIR No.281 dated 08.09.2019 under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station City Mandi Dabwali, District Sirsa.

The earlier petition i.e. ***CRM-M-55194-2019*** titled as ***Gursewak Singh Versus State of Haryana*** was filed by the petitioner under Section 439 Cr.P.C. for grant of interim bail till the receipt of FSL report. However, after the receipt of FSL report, the said petition was dismissed as withdrawn vide order dated November 04, 2020 passed by this Court, with liberty to the petitioner to file a fresh one seeking regular bail.

Learned counsel for the petitioner submits that the petitioner is in custody since 08.09.2019. Charge in the case has not been framed as the trial has come to complete halt due to outbreak of COVID-19 pandemic. The allegation against the petitioner is that he was found in possession of 1500 tablets of “Tramadol Hydrochloride” (weighed 615 grams) without having

any permit or licence in the area of Bus Stand of village Dabwali, P.S. City Dabwali.

He refers to the order dated 15.10.2020 passed by the co-ordinate Bench of this Court passed in *CRM-M-12651-2020* titled as *Vakeel Singh @ Vakil Singh Versus State of Punjab*, wherein for having 1500 tablets of Tramadol Hydrochloride 100 mg., the said accused was admitted on bail despite the fact that he was in custody for the last about 7 months.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 08.09.2019. No other case has been pointed out against the petitioner. The alleged recovery is 1500 tablets of Tramadol Hydrochloride from the possession of petitioner. Therefore, noticing the fact that the petitioner is not found involved in any other case under the NDPS Act and the fact that the trial is not likely to be concluded in near future in view of COVID-19 pandemic, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail in this case.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 19, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No