

CRM-M-38609-2020

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

CRM-M-38609-2020

Date of decision: 01.07.2021

Dheeraj Kumar @ Dheeru

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arpandeeep Narula, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.84 dated 12.07.2020, registered at Police Station Special Task Force, District Ludhiana, under Sections 21 and 29 NDPS Act.

Learned counsel for the petitioner contends that as per the prosecution version, while acting on a tip-off, the police party laid a trap and recovery of 280 gram heroin had allegedly been effected from the petitioner. The aforesaid recovery is marginally higher than the commercial quantity. The petitioner has been in custody since 12.07.2020. There is no other case registered or pending against the petitioner, at least of a similar nature.

Conversely, piercing into the arguments of the learned counsel for the petitioner, learned State counsel submits that the proper procedure was adopted by the police while conducting the raid and the petitioner was

CRM-M-38609-2020

arrested alongwith co-accused and the recovery of 580 gram of heroin was effected from both the accused. Out of 11 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The recovery allegedly effected from the petitioner is marginally higher than the commercial quantity. The petitioner has been in custody since 12.07.2020. There is no head-way in the proceedings before the trial Court due to Covid-19. Trial of the case would take time to conclude. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

01.07.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No