

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

**CRM-M-40725-2020
Date of Decision: 22.04.2021**

CHANNAN SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parveen Chuahan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Status report by way of an affidavit of Ramandeep Singh Bhullar,
PPS, Deputy Superintendent of Police, Sub-Division Khadoor Sahib Camp at
Goindwal Sahib, District Tarn Taran and custody certificate have been
circulated through email and the same are taken on record.

Channan Singh- petitioner is seeking regular bail in case bearing
FIR No.156 dated 23.12.2017 under Section 21 of the Narcotics Drugs and
Psychotropic Substances Act, 1985, registered at Police Station Chohla Sahib,
District Tarn Taran.

Briefly, the case has been registered against the petitioner in
pursuance of the recovery of 310 grams of heroin.

It has been contended by the learned counsel for the petitioner that the petitioner is in custody for the last 03 years 03 months and 27 days. The quantity of contraband alleged to have been recovered from the possession of the petitioner is marginally above the commercial quantity. Though, four cases under NDPS Act have also been registered against him but he has been acquitted in two cases and discharged in one case. In the fourth case there are allegations with regard to recovery of 25 Gms. of heroin, the petitioner is on bail and the trial of the case is still pending. So far, only three witnesses have been examined in this case and the conclusion of the trial is likely to take some more time due to resurgence of pandemic and restricted hearing of the Courts due to Covid-19 pandemic.

Learned State counsel on instructions from ASI Gurinder Singh has not assailed the aforesaid facts but has argued that the quantity of contraband alleged to have been recovered from the possession of the petitioner falls under the category of commercial quantity.

Be that as it may, it is the case where the quantity of contraband recovered from the possession of the petitioner is marginally above the commercial quantity. This aspect of the case is also to be looked into in conjunction with the fact that the petitioner is in custody for the last 3 years 03 months and 27 days. In this situation, the rigours of Section 37 of the NDPS Act can be relaxed and further more, criminal liability of the petitioner in the other case under the NDPS is to be seen on the conclusion during the course of trial, which is still pending. Moreover, conclusion of the trial is likely to take time due to surge in Covid-19 pandemic and consequential restricted hearing of Courts.

Without expressing any opinion on the merits of the case, the

instant petition is allowed. The petitioner is ordered to be released on bail on

his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

22.04.2021
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(VIVEK PURI)
JUDGE

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