

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

220a

CRM-M-40868-2020 (O&M)

Date of decision : 16.09.2021.

Amandeep @ Vishal

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kamaldep Singh Sidhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

CRM-7192-2021

This application is for placing on record Annexures P-3 and P-4.

Heard. For the reasons stated in the application, the same is allowed and Annexures P-3 and P-4 are taken on record subject to all just exceptions.

Main case

The petitioner is seeking regular bail in FIR No.128 dated 13.09.2019 under Section 22 of the NDPS Act registered at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that it is alleged that the petitioner was driving the motorcycle and a cardboard carton which was in the hand of the pillion rider containing Tramadol tablets of commercial quantity was allegedly recovered. The petitioner was about 18 years and 06

months at the time of commission of the offence and at present, he is 20 years of age. He also contends that the petitioner is in custody for about two years and is not involved in any other case under the NDPS Act. He has relied upon the judgments of the Coordinate Benches of this Court in the cases of **Avtar Singh versus State of Punjab** bearing CRM-M-6687 of 2020, decided on 09.02.2021, **Thana Singh versus State of Punjab** bearing CRM-M-17392-2020, decided on 17.09.2020 and **Paramjit Singh @ Kala versus State of Punjab** bearing CRM-M-17714-2018, decided on 06.07.2018 wherein the petitioner(s) who were driving the motorcycle had been granted regular bail after custody of fifteen months, ten months and six months respectively as the recovery had been effected from the pillion rider.

Learned State counsel, upon instructions from ASI Beerbal Singh, states that 01 out of 14 prosecution witnesses has been examined. He, however, contends that it is yet to be ascertained as to whether the petitioner was in conscious possession of the contraband and if he can derive any benefit at this stage.

Heard.

In view of the above especially when the petitioner is 20 years of age, he is in custody for about two years, he is not involved in any other case under the NDPS Act, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 16, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No