

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

224

CRM-M-41080-2020

DATE OF DECISION: 01.11.2021

AMRITPAL @ KAKA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.46 dated 18.02.2019, under Sections 21, 22, 27 and 29 of the NDPS Act, registered at Police Station Sadar Amritsar, District Amritsar.

Learned counsel for the petitioner contends that the petitioner was sitting on the back seat of the car and 300 grams of heroin was allegedly recovered from the dashboard of the car. Besides the driver, there was another passenger in the car. He further contends that if the recovery is divided amongst two persons, it would be less than the commercial quantity. He also contends that the petitioner is not involved in any other case under the NDPS Act. He is in custody for over 2 years and 8 months. Learned counsel has relied upon the judgment of the coordinate Bench of this court in the case of **Sarmail Singh @ Shaila Vs. State of Punjab, CRM-M-26001-2020**, decided on 16.07.2021 wherein the petitioner has been granted regular bail

after the custody of over 1 year and 5 months from whom recovery of 400 grams of heroin was effected.

Learned State counsel, upon instructions from ASI Raj Kumar, contends that 3 out of 20 prosecution witnesses have been examined. Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for 2 years, 8 months and 10 days.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 years and 8 months, 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

01.11.2021

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No