

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

CRM-M-42281-2020 (O&M)

Date of decision: 25.03.2021

Ganga Ram

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K.S. Brar, Advocate for the petitioners.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 223 dated 25.8.2019 under Sections 22, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner states that the petitioner is of 74 years of age and has falsely been implicated in the present case without complying with the provisions of Section 50 of the NDPS Act. The alleged recovery of 780 tablets of Tramadol, was effected from the petitioner. The petitioner has been in custody since 25.08.2019. There is no other case against the petitioner.

While opposing the prayer made in the present petition, the learned State counsel submits that as the recovery effected from the petitioner falls under the commercial quantity, the petitioner is not entitled to grant of concession of bail. He does not dispute the custody period of the petitioner. The charges have been framed, but the prosecution evidence is yet to commence.

Copy of custody certificate by way of affidavit dated 24.03.2021 of the Deputy Superintendent, Central Jail, Faridkot, submitted by the learned State counsel through email, is taken on record.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 25.08.2019. The prosecution evidence is yet to start and the trial will take time to conclude. Moreover, there is no other case against the petitioner. Thus, 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 petition is allowed and the petitioner is ordered to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

25.03.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No