

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

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**CRM-M No. 42764 of 2020
Date of decision :23.08.2021**

Rajwinder Singh @ Raju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.L.Saini, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

Prayer in this petition is for grant of regular bail in case FIR

No. 97 dated 27.09.2017 registered under Sections 15/25 of NDPS Act, 1985 at Police Station Mehna District Moga.

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner is 680 kgs of poppy husk and that the petitioner has been in custody since 27.09.2017. He further submits that though the petitioner is owner of the truck, yet all the goods were sent from Madhya Pradesh to Barnala by a Company. Still further, it is submitted that out of total 13 prosecution witnesses, examination-in-chief of only two witnesses, has been conducted so far.

Copy of the status report by way of affidavit dated 22.04.2021 of the Deputy Superintendent of Police, Dharamkot, District Moga, filed on behalf of respondent-State, through e-mail, is taken on record.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected from the

petitioner falls under the commercial quantity and that the petitioner is the owner of the truck, in which the goods were being sent.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 3 years and 4 months. Out of total 13 prosecution witnesses, examination-in-chief of only two witnesses, has been conducted so far. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial of the case is unlikely to conclude any time soon. 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.

23.08.2021

Rajeev (rvs)

(HARNARESH SINGH GILL)

JUDGE

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