

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

CRM-M-45892-2019

Date of decision:07.01.2021

Sukhdev Verma

...Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of an affidavit of Deputy

Superintendent, Central Jail, Ludhiana, filed through e-mail, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.08 dated 12.02.2019, registered at Police Station City Banga, District SBS Nagar, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 Act, Section 29 of NDPS Act added later on.

Learned counsel for the petitioner contends that as per the prosecution version, 9800 Tramadol Capsules and 6750 Alprazolam Tablets were allegedly recovered from the scooter, which was owned by the wife of the petitioner. The petitioner has been in custody since 12.02.2019 and there is no other case pending or registered against the petitioner.

In support of his contentions, the learned counsel relies upon the judgments passed by the Coordinate Benches of this Court in *CRM-13662-2020* titled as 'Niranjan Kumar @ Kaka Vs. State of Punjab', *CRM-14474-2020* titled as 'Dharminder Singh Vs. State of Punjab', *CRM-21020-2020* titled as 'Amritpal Singh Lamberdar Vs. State of Punjab', *CRM-6433-2018* titled as 'Pawan Kumar Vs. State of Punjab' and *CRM-16380-2020* titled as 'Buta Singh Vs. State of Punjab'.

Learned counsel for the petitioner also relies upon para 10 of the judgment passed by a Coordinate Bench of this Court in *CRM-13423-2020*, titled as 'Pritam Singh Batra @ Giffy Vs. State of Punjab' dealing with Section 37 (1) (b) (ii) of the NDPS Act.

On the other hand, learned State counsel, while opposing the prayer made in the present petition, points out that it was a joint raid, in which the petitioner was apprehended with the contraband, which falls under the commercial quantity. He further submits that out of 16 witnesses, 7 have been examined so far. However, he does not dispute the custody period of the petitioner and the fact that there is no other case pending or registered against him.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.02.2019. Trial of the case would take time to conclude. 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.

07.01.2021
ishwar

(HARNARESH SINGH GILL)
JUDGE

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