

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-47026-2019

DATE OF DECISION: 29.07.2021

MOHAMMAD FARMAN

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Lavanya Gupta, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.79 dated 03.04.2019, under Section 21 of the NDPS Act, 1985, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the alleged recovery is 400 grams of heroin has been effected from the petitioner. He is in custody for over 2 years and 3 months and is not involved in any other case under the NDPS Act. He has relied upon the judgments of the coordinate Bench of this Court in the cases bearing **CRM No.M-37152-2020, titled Davinder Singh Vs. State of Punjab, decided on 18.11.2020, CRM-25077-2021, titled Harpreet Singh @ Harji Vs. State of Punjab, decided on 15.07.2021 and CRM-M-23910-2020, titled Harjit Singh @ Honey Vs. State of Punjab, decided on 28.08.2020** wherein recovery of heroin of 835 grams, 418 grams and 300 grams (approx.) was effected from the petitioners respectively. The petitioners therein were granted bail after being in custody for a period of almost 1 year in the case of **Davinder Singh Vs. State of**

Punjab (supra), over 1 year and 8 months in the case of **Harpreet Singh @ Harji Vs. State of Punjab** (supra) and over 2 years in the case of **Harjit Singh @ Honey Vs. State of Punjab** (supra), respectively.

Learned State counsel, upon instructions from ASI Harjinder Singh, contends that challan has been filed but none out of 12 prosecution witnesses has been examined. Custody certificate filed by the learned State counsel through email is taken on record which indicates that the petitioner is in custody for a period of 2 years, 3 months and 24 days.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 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

29.07.2021

SwarnjitS

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