

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

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CRM-M-48535-2019 (O&M)

Date of decision : 09.08.2021.

Balkar Singh

... Petitioner

Versus

Narcotics Control Bureau, Amritsar

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Aashish Bishnoi, Panel Counsel for the respondent/NCB.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking regular bail in NCB Crime No.21 dated 31.03.2017, under Sections 8, 21, 23, 29, 60 and 61 of the NDPS Act registered at Narcotic Control Bureau, Amritsar.

Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor any recovery has been effected from him. It is alleged that recovery of 2 kg. heroin was effected from a car in which co-accused Onkar Singh and Gurdev Singh were travelling. The petitioner was arraigned as an accused on the statement of co-accused. No recovery has been effected from the petitioner even after his arrest in the instant case. He further contends that the petitioner is in custody for over four years and three months and was involved in another case under the NDPS Act but he is on bail in that case. He also contends that the trial has come to a standstill due to the Covid-19 pandemic.

Learned counsel for the respondent/NCB contends that two brothers of the petitioner are involved in several other cases under the NDPS Act and the Arms Act. The petitioner is also involved in another case under the NDPS Act. He also contends that three prosecution witnesses have been examined and only one prosecution witness remains to be examined.

Learned Senior Deputy Advocate General, Punjab has filed custody certificate in Court through e-mail, which indicates that the petitioner is in custody for 04 years, 03 months and 05 days as on 08.08.2021.

Heard.

In view of the above especially when the petitioner is in custody for over four years and three months, no recovery has been effected from him, 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

August 09, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No