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

**CRM No.2231 of 2021 in/and
CRM-M No.49424 of 2019
Date of Decision: 15.02.2021**

PALLA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. Venu Gopal Jauhar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

CRM No.2231 of 2021

For the reasons mentioned in the application, the same is allowed. Accompanying documents are taken on record, subject to all just exceptions.

CRM-M No.49424 of 2019

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.56 dated 12.04.2019, registered under Sections 21, 22 & 61 of the NDPS Act at Police Station

Guru Harsahai, District Ferozepur.

As per prosecution case derived from the record under Section 173 Cr.P.C., 57 strips of Tormadex-100 having Batch No.TXD 17 and 63 strips of other intoxicants tablets i.e. Clovidol 100 SR (White) were recovered from the petitioner. Total weight of the contraband is more than the weight meant for commercial category.

Learned counsel for the petitioner by relying upon **CRM-M No.17481 of 2020** titled '**Mani Singh @ Maddi vs. State of Punjab**', decided on 22.07.2020, **CRM-M No.25382 of 2020** titled '**Gurbaksh Singh vs. State of Punjab**' decided on 02.09.2020 and **CRM-M No.23706 of 2020** titled '**Hardum vs. State of Haryana**' decided on 27.08.2020 contended that period of custody of the petitioner since 12.04.2019 can be taken to be a ground for grant of regular bail to the petitioner.

Learned counsel further submitted that the petitioner is not involved in any other NDPS case except three cases under Excise Act and under Indian Penal Code in which he is on bail. After filing of challan and framing of charges on 24.09.2019, no prosecution witness has been examined so far and the trial of the case may take some time in its final culmination.

The aforesaid facts could not be disputed by learned State counsel, however he submitted that the prosecution has

meticulously complied with the mandatory requirements of law under Sections 42/50 of the NDPS Act. The recovery is commercial in nature.

Having considered the aforesaid cases, particularly in the light of the currency of COVID-19 pandemic where the Courts are functioning with restrictions, custody of the petitioner since 12.04.2019 and stage of trial where no PW has been examined so far, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 15, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No