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

CRM-M-3494-2022

Date of Decision 15.02.2022

JANTI SINGH ALIAS JANTA ALIAS GURJANT SINGH

....Petitioner

VS

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR JUSTICE VIVEK PURI

Present:- Mr. Sumeet Pal Singh Khaira, Advocate for the petitioner.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

VIVEK PURI, J. (ORAL)

In pursuance of the advance notice the learned State counsel has put in appearance and has placed on record the custody certificate.

Petitioner-Janti Singh has prayed for grant of regular bail in case FIR No.183 dated 15.09.2019, under Section 22/25 of NDPS Act, registered at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner has contended that the recovery of tramadol tablets weighing 3300 grams and alprazolam tablets weighing 147 grams has been recovered from the bag which was kept in between the driver and pillion rider of the motorcycle. Co-accused namely Kuldeep Singh @ Kala Singh was driving the motorcycle and the petitioner was pillion rider. The petitioner is in custody for a period of two years and five months and is not involved in any other case. Moreover, the similarly placed co-accused has been granted bail in terms of the order dated

December 9, 2021 passed by the Co-ordinate Bench of this Court in CRM-

M-42004-2020, though he was also involved in another case under NDPS Act for possession of four gram of heroin.

On the instructions of ASI Surjit Singh, learned State counsel states that the charge has been framed but no witness has been examined till date. The bail application has been opposed on the score that there are serious allegations against the petitioner and is not entitled to concession of regular bail as the quantity of contraband falls in the category of commercial quantity.

It is no doubt true that the quantity of contraband in the instant case falls in the category of commercial quantity, but in a decision rendered by the Hon'ble Supreme Court in ***Criminal Appeal No. 668 of 2020*** titled as ***“Amit Singh Moni versus State of Himachal Pradesh,*** the bail has been granted to the accused after he had undergone incarceration for a period of about 02 years 07 months and particularly when the trial was not progressing. Even in the instant case, the petitioner is in custody for a period of 02 years 05 months and is not involved in any other case. Till date no witness on behalf of prosecution has been examined. The conclusion of trial is likely to take some more time on account of restricted hearing due to Covid-19 Pandemic. Moreover, the similarly placed co-accused Kuldeep Singh @ Kala Singh has been granted concession of bail. As such the petitioner also becomes entitled to the concession of bail on the principle of parity.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to

his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

15.02.2022
Monika

(VIVEK PURI)
JUDGE

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |