

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-3486 of 2022
Date of Decision : 04.03.2022

Nitin

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 165 dated 25.06.2021, registered under Sections 21, 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Anaj Mandi, District Patiala.

Learned counsel for the petitioner argues that in the present case, the petitioner was nominated on the basis of the disclosure statements of co-accused, namely, Monika and Vicky and thereafter, 10 grams of Heroin was recovered from his personal search and the said co-accused are already extended the concession of regular bail. Learned counsel for the petitioner submits that the recovery, which has been done from the petitioner, is not commercial in nature and as rigors of Section 37 of

Narcotic Drugs and Psychotropic Substances Act, 1985 are not applicable, also keeping in view the fact that the petitioner is already behind bars since 25.06.2021 and the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind bars as the petitioner undertakes not to influence the trial or witnesses in any manner.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the factum that co-accused on whose statement, petitioner was nominated and from whom the contraband was recovered, is already on bail and the quantity of the banned drug, which has been recovered from the petitioner, is not commercial in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the quantity of the contraband recovered from the petitioner is not commercial in nature and the co-accused from whom the recovery of contraband was effected are already on bail coupled with the fact that rigors of Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 are not applicable in the present case, especially when the investigation is already over and the trial is likely to take some time before it concludes, hence keeping in view the restrictive working of the Court due to pandemic of Covid-19, no useful purpose will be achieved in keeping the petitioner behind bars as learned counsel for the petitioner has undertaken before this Court that petitioner will not influence

the witnesses or the trial in any manner.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 04, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No