

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7188-2022
Date of Decision: 24.02.2022

Amrik Singh

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Sekhon, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

The custody certificate has been placed on record.

The petitioner has prayed for grant of regular bail in case FIR No. 137 dated 26.03.2019 under Section 22-C and 29 of NDPS Act, 1985 registered at Police Station City Tohana, District Fatehabad.

Briefly, as per the allegations of the prosecution, on 26.03.2019, the petitioner was apprehended while he was travelling on a motor-cycle and carrying 2000 tablets of Tramadole on a Motor-cycle.

Learned counsel for the petitioner contends that the weight of the tablets is to the extent of 810 gms. Though the quantity of contraband allegedly recovered from the possession of the petitioner falls in the category of commercial quantity but he is in custody for a period of two years, 7 months and 3 days. So far, 3 out of 18 witnesses have been examined and has sought to rely upon the decision of Supreme Court rendered in *Criminal Appeal No.668 of 2020* titled as “*Amit Singh Moni Vs. State of Himachal Pradesh*.”

Learned State counsel has resisted the bail application on the

score that the quantity of contraband allegedly recovered from the possession of the petitioner falls in the category of commercial quantity.

It is no doubt true that the quantity of contraband recovered from the possession of the petitioner, in the instant case, falls in the category of commercial quantity but in the aforesaid decision of the Supreme Court rendered in *Amit Singh Moni's case (supra)*, bail has been granted to the accused on the ground of long incarceration and particularly, when the trial was not progressing. Even in the instant case, the petitioner is in custody for a period of 2 years, 7 months and 03 days and only 3 out of total 18 witnesses have been examined so far. Moreover, the petitioner remained on interim bail for a period of 4 months and there is nothing to suggest that he misused the concession of interim bail. The custody certificate does not indicate that the petitioner is involved in any other case much less under the NDPS Act.

In these set of circumstances, 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.

24.02.2022

Janki

(VIVEK PURI)
JUDGE

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