

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107+216

CRM-M-11429-2021 (O&M)

DATE OF DECISION: 05.01.2022

NAVJOT SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Deepak Gupta, Advocate
for the applicant/petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

CRM-40468-2021

This application is for placing on record recovery memo dated 03.01.2021 as Annexure P-2.

For the reasons stated in the application, the same is allowed and recovery memo dated 03.01.2021 as Annexure P-2 is taken on record subject to all just exceptions.

MAIN CASE

The petitioner is seeking regular bail in FIR No.02 dated 02.01.2021, under Sections 21 and 22 of the NDPS Act, 1985, registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner, *inter alia*, contends that the signatures of the petitioner were not obtained on the recovery memo. He has cited the judgment of the Coordinate Bench in the case of **Sandeep Kumar versus State of Punjab, 2019(4)RCR (Criminal) 741** wherein the conviction had been set aside primarily on the ground that the signatures of the accused on the recovery memo had not been obtained. He has also relied upon the judgment of the Coordinate Bench in the case of **Mohd. Habib @ Popa versus State of Punjab, bearing CRM-M-9979 of 2021**, decided on 08.03.2021 wherein the petitioner therein was released on bail as his

signatures were not obtained on the recovery memo. It is alleged in the FIR that the intoxicant tablets containing Tramadol with a total weight of 400 grams approximately were recovered. The petitioner is 23 year of age and is in custody for a year since his arrest on 05.01.2021. The petitioner is not involved in any other case under the NDPS Act.

Learned State counsel contends that the challan has been filed but charges are yet to be framed. Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for a period of 11 months and 30 days.

Heard.

In view of the above, especially when the petitioner is in custody for a year, he is not involved in any other case under the NDPS Act, 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

05.01.2022

SwarnjitS

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