

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11354-2022
Date of Decision: 18.07.2022

PARMOD KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 55 dated 16.03.2019 under Sections 22(c) and 27(a) of NDPS Act, 1985 registered at Police Station Dabwali Sadar, District Sirsa, Haryana.

Custody certificate has been placed on record.

Briefly, as per the allegations of the prosecution, on 16.03.2019 10,000 tablets of Tramadol were recovered from the possession of the petitioner.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 03 years, 03 months and 27 days. Out of 11, only 4 witnesses have been examined so far and the petitioner is not involved in any other case much less under the NDPS Act.

Learned counsel for the petitioner has sought to rely upon the decision of Hon'ble the Supreme Court rendered in *Criminal Appeal No. 668 of 2020* titled as *Amit Singh Moni Vs. State of Himachal Pradesh*, wherein

bail has been granted to the accused in a case pertaining to the recovery of commercial quantity, after he had completed more than 02 years and 07 months of actual custody.

Learned State counsel has resisted the application on the score that the quantity of contraband recovered in the instant case 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 the aforesaid decision of the Hon'ble the Supreme Court rendered in ***Amit Singh Moni's*** case (supra), bail has been granted to the accused on the ground of long incarceration, particularly, when the trial was not progressing.

Even in the instant case, it has been stated that the petitioner is in custody for a period of 03 years, 03 months and 27 days and only 4 out of 11 witnesses has been examined so far. Furthermore, the petitioner is not involved in any other case much less under NDPS Act.

Considering the above and the fact that the trial is likely to consume some more 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

18.07.2022

Janki

(VIVEK PURI)
JUDGE

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