

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

205

CRM-M-16139-2021

Date of decision : 25.05.2022

Harpreet Singh @ Billa

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.192 dated 21.09.2019, under Sections 21, 22 & 25 of the NDPS Act, 1985, registered at Police Station City Jagraon, District Ludhiana Rural.

Learned counsel for the petitioner contends that the alleged recovery of intoxicant tablets containing Clonazepam with a total weight of 110 grams, 57 grams of heroin and Rs.1,05,000/- was effected from the dash board of the car which was driven by the petitioner and he is the owner of the car. He also submits that there is no compliance of provisions of Section 42 of the NDPS Act inasmuch as information was not reduced in writing although the recovery was effected from a private car which belongs to the petitioner. In support of his contention, he has relied upon the judgment of the Supreme Court in the case of **Boota Singh and others Vs. State of Haryana**, reported as **2021 (2) RCR (Criminal) 892 (SC)**. The petitioner is in custody for over 2 years, 7 months and 24 days. The petitioner is involved in other cases under the NDPS Act wherein recovery is of non-commercial quantity and he is on bail in those cases. Co-accused Vijay Singh has been granted bail by this Court

in CRM-M-29797-2021, on 18.05.2022.

Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for 02 years, 07 months and 24 days as on 24.05.2022. Learned State counsel, upon instructions from ASI Baljinder Singh, states that none out of 13 prosecution witnesses has been examined. He, however, states that as the petitioner is involved in several other cases under the NDPS Act, he is not entitled to be released on regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for about two years and eight months, co-accused has been granted bail, 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.

At the time of release of the petitioner, the SHO, Police Station City Jagraon, District Ludhiana Rural would be informed and the petitioner shall furnish his mobile number to the SHO and keep his mobile location on till the conclusion of the trial. He shall also appear before the Police Station on first Monday of every month till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

May 25, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No