

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224

CRM-M-23763-2022

DATE OF DECISION: 09.12.2022

HARISH KUMAR @ BHANEWA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.124 dated 21.10.2020, under Sections 21/29 of the NDPS Act, 1985, registered at Police Station 'D' Division, District Amritsar.

Learned counsel for the petitioner submits that it is alleged that the petitioner along with co-accused was travelling on the motorcycle and when the motorcycle was stopped the recovery of intoxicant powder containing 262 grams of heroin was effected from a bag held by co-accused Surinder Kumar in his hand. He further contends that no recovery has been effected from the petitioner. The petitioner is in custody for over 02 years and is not involved in any other case under the NDPS Act.

Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for 02 years, 01 month and 13 days. Custody certificate does not indicate that the petitioner is involved in any other case under the NDPS Act. Learned State counsel, upon instructions from ASI Rajpal Singh, contends that no prosecution witness has been examined.

Heard.

In view of the above especially when the petitioner is in custody for over 02 years and 01 month, he is not involved in any other case under the NDPS Act 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

09.12.2022

SwarnjitS

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