

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

CRM-M-37545 of 2021 (O&M)

Date of Decision: 10.11.2022

Jatinder Kumar @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Saurabh Arora, Advocate
 For the petitioner.**

Mr. C.L. Pawar, DAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 457 dated 19.11.2014, registered under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station 'A' Division, District Amritsar City.

The counsel for the petitioner submits that the present case is relating to recovery of some 'controlled substance' from the possession of the petitioner and he was granted regular bail. That lateron the petitioner got absented and as such his bail order was cancelled and finally he was declared proclaimed offender and was rearrested on 03.03.2021 and since then he is behind the bars. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude and as such no purpose is going to be served by prolonging the judicial custody of the petitioner.

The present petition is resisted by the State counsel who produced the custody certificate as per which the custody of the petitioner comes out to be more than 01 year and 06 months and he is having no criminal history. The State counsel has not disputed the fact that in the present case 'controlled substance' was recovered regarding which petitioner has been charged under Section 25-A of the Act.

I have considered the submissions made by the counsel for the parties.

The present case being relating to recovery of controlled substance, the rigors of Section 37 of the Act are not applicable. The present petitioner is in custody for the last more than 01 year and 06 months and is having no criminal antecedents and it will take time for the trial to conclude. So, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond with heavy surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned

10.11.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No