

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

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CRM-M-34236-2022 (O&M)

Date of Decision: 09.08.2022

BUTA SINGH ALIAS BUTTA SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.148 dated 07.06.2020, registered under Section 15 of the NDPS Act, at Police Station Nissing, District Karnal, the first one having been dismissed as withdrawn on 08.03.2021.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner has been in custody since 07.06.2020 and that out of total 11 prosecution witnesses, only one has been examined so far. He further submits that the bail petition preferred by the co-accused, namely, Rakesh was dismissed by this Court on 17.02.2022.

In support of his contentions, learned counsel for the petitioner relies upon the judgment delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.4173/2022 titled 'Shariful Islam @ Sarif vs The State of West Bengal' on 04.08.2022.

On the other hand, learned State counsel while opposing the prayer for grant of regular bail to the petitioner, does not dispute the custody period of the petitioner. He, however, submits that the recovery effected from the petitioner is a commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused persons in case of the commercial quantity.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.06.2020. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

09.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>