

CRM-M-37748-2020

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

CRM-M-37748-2020 (O & M)

Date of decision: 08.08.2022

Jarnail Singh @ Goldy

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Tanvir Joshi, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.94 dated 08.08.2020, registered at Police Station Special Task Force, SAS Nagar, Mohali, under Sections 21, 25 and 29 NDPS Act, 1985.

As per the case of the prosecution, recovery of 300 gram heroin had been effected from a car bearing registration No.PB-02-DU-3803, which was being driven by co-accused Satnam Singh @ Bunty and that the petitioner was occupying the conductor seat of the said car.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though the extent of recovery of heroin allegedly effected in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 13.08.2020 and that charges are yet to be framed. In such

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circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5769-2022, titled as 'Nitish Adhikary @ Bapan Vs. State of West Bengal', decided on 01.08.2022 and Special Leave to Appeal (Crl.) No.4173-2022, titled as 'Shariful Islam @ Sarif Vs. State of West Bengal', decided on 04.08.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of heroin recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

After investigation, challan was filed way back on 06.11.2020. However, the charges have not been framed so far and there being no likelihood of completion of trial in the near future. The petitioner has been in custody since 13.08.2020. There are no past criminal antecedents of the petitioner. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

08.08.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No