

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47376-2021

Date of Decision: 07.03.2022

JASPAL SINGH @ BHOLA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. B.S.Aulakh, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

The petitioner has prayed for grant of regular bail in case FIR No.226, dated 07.11.2019, under Section 22 of the NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

Custody certificate of the petitioner has been placed on record.

Briefly the allegations against the petitioner are to the effect that on 07.11.2019, he was carrying a black colored polythene bag in his right hand and on seeking the policy party, he threw the same. It is further stated that 790 tablets of tramadol were recovered from the possession of the petitioner.

It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of 2 years, 3 months and 27 days, out of 11, only two witnesses have been examined so far and he is not involved in any other case much less under the NDPS Act.

Learned counsel for the petitioner has sought to rely upon the decision of Supreme Court rendered in Criminal Appeal No.668 of 2020 titled as **“Amit Singh Moni Vs. State of Himachal Pradesh”**, wherein bail has been granted to the accused in a case pertaining to the recovery of commercial quantity, after he had completed more than 2 years and 7 months of actual custody.

Learned State counsel has resisted the bail application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity, as the total weight of tramadol is to the extent of 321 grams.

It is no doubt true that the quantity of contraband in the instant case falls in the category of commercial quantity, but in the aforesaid decision of the Supreme Court rendered in Amit Singh Moni's case (supra), bail has been granted to the accused on the ground of long incarceration and particularly when the trial was not progressing. Even in the instant case, the petitioner is in custody for a period of 2 years, 3 months and 27 days and only 2 out of the total 11 witnesses have been examined so far.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any expression of opinion on the merits of the case, present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

07.03.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No