

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

Sr. No.210

**CRM-M-43756-2020 (O&M)
Date of Decision: 08.03.2022**

Kamaljit Singh @ Kala @ Jas

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J. (ORAL)

CRM-11280-2021

Prayer in the instant application is for placing on record the photographs (Annexures P-3 and P-4) for the proper adjudication of the main petition.

Application is allowed and Annexures P-3 & P-4 are taken on record.

CRM-M-43756-2020 (O&M)

The instant petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.78 dated 30.06.2020, registered under Sections 18, 21, 29, 61 and 85 of NDPS Act at Police Station STF, District Mohali.

In compliance of the order dated 14.02.2022, affidavit of Assistant Inspector General of Police, STF, Border Range, Amritsar on behalf of respondent-State has been filed and the same is taken on record.

It has been submitted in the aforesaid affidavit that on the basis of enquiry conducted, the person who is seen in the CCTV footage and photographs produced by the petitioner, is not identified as HC Kulwant Singh No.726/BNL and the vehicles which are seen in the CCTV footage while going ahead and after the car bearing No.PB02-DB-5769 of the petitioner, have no connection or link with the vehicles of any police officer or officials posted at STF, Border Range, Amritsar.

At this, learned counsel for the petitioner contends that the petitioner is in custody since 01.07.2020 and has therefore, undergone approximately 01 year and 10 months of incarceration. Moreover, the alleged quantity of contraband having been recovered from the petitioner i.e. 280 grams heroin, is marginally higher than the commercial quantity.

Learned State counsel does not dispute the facts with regard to the custody period undergone and the quantity having been recovered from the petitioner and submits that the challan in the present case has been filed and the custodial interrogation of the petitioner is not required.

I have heard learned counsel for the parties and perused the case file.

The recovery effected from the petitioner is 280 gms heroin, which is marginally higher than the commercial quantity. The petitioner is in custody since 01.07.2020. Further, the challan in the present case stands presented, requiring no further custodial interrogation of the petitioner. Keeping in view the said facts, no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time keeping in view the prevailing pandemic situation.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

Accordingly, the present petition stands allowed.

(SANT PARKASH)
JUDGE

08.03.2022
Maninder

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