

HARPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

Status report by way of affidavit of Daljit Singh, PPS, DSP, Jagraon,
District Ludhiana (Rural) and custody certificate of the petitioner on behalf of the
respondent-State have been filed and the same are taken on record.

Harpreet Singh-petitioner is seeking regular bail in the case bearing
FIR No. 179 dated 29.08.2019 under Sections 22 of NDPS Act, 1985, registered at
Police Station City Jagraon, District Ludhiana.

Briefly, as per the allegations of the prosecution, 1600 tablets of
Tramadol Hydrochloride have been recovered from the possession of the petitioner
while he was travelling in a car.

It has been contended by learned counsel for the petitioner that he is
in custody for a period of 02 years, 06 months and 11 days, only 3 out of the total
13 witness have been examined so far and is not involved in any other case much
less under NDPS Act.

Learned counsel for the petitioner has sought to rely upon the decision

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 02 years and 07 months of actual custody.

Learned State counsel has resisted the 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 Hydrochloride tablets is to the extent of 659.2 grams. Furthermore, Rs. 50,000/- cash and a car without any documents have also been recovered.

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 02 years, 06 months and 11 days and only 3 out of the total 13 witnesses have been examined so far.

Considering the above and the fact that the trial is likely to consume some more time, further detention of the petitioner may not be justified. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

09.03.2022
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(VIVEK PURI)
JUDGE

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