

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51017-2021

Date of decision: 06.07.2022

DIDAR SINGH @ DARA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Didar Singh @ Dara-petitioner is seeking regular bail in the case bearing FIR No.84 dated 02.09.2019 under Sections 21 and 22 of Narcotics Drugs and Psychotropis Substances Act, 1985, registered at Police Station Kotwali Nabha, District Patiala.

Briefly, as per the allegations of the prosecution, 13 grams of heroin and 400 tablets of Tramadole Hydrochloride weighing 288.4 grams have been recovered from the possession of the petitioner.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 02 years 10 months and 06 days, out of 09, only 4 witnesses have been examined so far and is not involved in any other case.

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 02 years and 07 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.

It is no doubt true that the quantity of contraband recovered in the instant case falls in the category of commercial quantity, but in the aforesaid decision of Supreme Court rendered in *Amit Singh Moni's* case (*supra*) bail has been granted to the co-accused on the ground of long incarceration and particularly when the trial was not progressing. Even in the instant case, out of 09, only 04 witnesses have been examined and the petitioner has undergone incarceration for a period of almost 02 years, 10 months and 06 days.

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.

06.07.2022
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(VIVEK PURI)
JUDGE

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