

208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-53579-2021

Date of Decision: 08.07.2022

SUNNY KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. L.S.Sekhon, Advocate for  
Mr. Karandeep Singh, Advocate, for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

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VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 50 dated 01.07.2019 under Sections 22/29/61/85 of NDPS Act registered at Police Station Mulepur, District Fatehgarh Sahib.

Custody certificate has been placed on record.

Initially, the FIR was registered against Princejeet Singh, Narinder Singh and Amrinder Singh on the basis of secret information. 25 injections of Buprenorphine and 24 injections of Avil were recovered from them. In pursuance of their disclosure statement, Sunny Kumar-petitioner was nominated as an accused. His arrest was effected and in pursuance of the disclosure statement, 325 injections of Avil and 325 injections of Buprenorphine were recovered from the dilapidated building.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 03 years and 04 days, only 04 out of 16 witnesses have been examined so far and he is not involved in any other case under the NDPS Act. It has been further stated that the custody certificate indicates that the petitioner is involved in another case bearing FIR No. 227 dated 01.10.2018 registered at Police Station Ambala Sadar, but the said case is under Sections

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 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 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 3 years and 4 days and he is not involved in any other case under the NDPS Act.

Considering the above and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

08.07.2022  
smriti

(VIVEK PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No