

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

209

CRM-M-53781-2021
Date of decision : 22.08.2022

Yadwinder Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Ms. G.K. Mann, Senior Advocate with
Mr. Gursewak Singh, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.166 dated 11.09.2021 registered under Sections 22(c) and 15(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sangat, District Bathinda.

Brief facts of the case are that on 11.09.2021 the police party headed by SI Major Singh was on patrolling duty and was going from Pathrala to Village Dhumwali. When they reached near the drain bridge at 12:50 p.m., they noticed a Tralla bearing registration No.PB03AC0332 was parked and 02 persons sitting in it. On seeing the police party the said persons sitting in the Tralla tried to ran away but the police officials apprehended them. When the search was conducted 1400 intoxicant tablets and 02 kgs. of poppy husk was recovered from the Tralla.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. No independent witness was joined at the time of alleged recovery. Mandatory provisions of Section 50 of the NDPS act were not complied with. The petitioner was in custody since 11.09.2021. Challan has been

presented in the Court. The petitioner is not involved in any other case under the NDPS Act. Co-accused Bhinder Singh @ Bhandar Singh has already been granted concession of regular bail vide order dated 29.04.2022 passed by the Co-ordinate Bench of this Court. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Learned State counsel has filed the custody certificate dated 19.08.2022 which is taken on record. As per the custody certificate, the petitioner is in judicial custody for the last 11 months and 04 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 11 months, he is not involved in any other case and also the fact that co-accused Bhinder Singh @ Bhandar Singh has already been granted concession of regular bail vide order dated 29.04.2022 passed by the Co-ordinate Bench of this Court, the instant petition is allowed. The petitioner-Yadwinder Singh is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

22.08.2022

kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No