

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

115+260

CRM-M-53415-2021(O&M)

Date of decision: 19.01.2022

JANG KANWAR

...Appellant(s)

Versus

STATE OF PUNJAB

...Respondents

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

HARNARESH SINGH GILL , J.(ORAL)

CRM-1732-2022

For the reasons mentioned in the application, same is allowed and
Annexures P-3 and P-4 are taken on record.

Main case

Prayer in the present petition is for grant of regular bail in case
FIR No.216 dated 30.12.2020 under Sections 18 and 29 of the Narcotic Drugs
and Psychotropic Substances Act, 1985 registered at Police Station Lalru,
District SAS Nagar.

Learned counsel for the petitioner states that the recovery of 2 KG
700 Gram of opium effected from the petitioner is marginally higher than the
commercial quantity. It is further submitted that co-accused-Kali Bahadur
Rawat, from whom recovery of 2 KG 200 Gram of opium was effected, stands
granted regular bail by this Court vide order dated 02.07.2021. It is yet
further submitted that as far as other case is concerned, the petitioner

was implicated therein on his disclosure statement, while he was in judicial custody. Still further learned counsel for the petitioner relies upon an order dated 23.08.2021 passed by a co-ordinate Bench of this Court in CRM-M-31810-2021 titled as “Inderjit Singh and another Versus State of Punjab” wherein the accused from whom recovery of 2 KG 600 Gram of opium was effected were granted the concession of regular bail.

Learned State counsel states that the recovery effected from the petitioner false under the commercial quantity; that the petitioner is also involved in another case under the NDPS Act; that the charges have already been framed and thus, keeping in view the criminal antecedents of the petitioner, he is not entitled to the concession of regular bail.

I have heard the learned counsel for the parties.

The recovery effected from the petitioner is marginally above the commercial quantity. In the other FIR, the petitioner has been involved on the disclosure statement when he was in custody in the present case. The charges have already been framed. As per the custody certificate, the petitioner has been in custody more than one year. The trial will take time to conclude due to Covid-19 pandemic. Thus, useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

19.01.2022

nisha-II

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No