

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

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**CRM-M No.54475 of 2021(O&M)
Date of decision: 20.04.2022**

MOHD.NASIR

.....Petitioner

vs.

STATE OF PUNJAB

.....Respondent

CORAM: -HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: - Mr.Sandeep Verma, Advocate for the petitioner.

Mr. C.L.Pawar, Sr.D A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.158 dated 22.11.2019 registered under Sections 21 & 29 of the NDPS Act, registered at Police Station Shambhu, Distt.Patiala.

Earlier petition bearing CRM-M No.40159 of 2020 filed by the petitioner was got dismissed as withdrawn on 26.08.2021. The said petition was ordered to be listed along with CRM-M No.7853 of 2020 titled Zeenat vs. State of Punjab, which was also ordered to be dismissed as withdrawn vide order of the even date. Subsequently, Zeenat has been granted

regular bail vide order dated 02.04.2022 passed in CRM-M No. 53388 of 2021.

As per allegations, the FIR was lodged on the basis of secret information to the effect that petitioner along with co-accused Zeenat used to bring heroin from Delhi and then supply the same at different places in the State of Punjab. It was alleged that on 22.11.2019, the accused were bringing heroin from Delhi in huge quantity in a car and they had gone to Patiala and thereafter they were coming from Patiala towards Ghanaur Shambu. A naka was installed by the police. One kg heroin was recovered from the purse carried by Zeenat and one kg heroin was recovered from the bag carried by the petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.11.2019 and his total custody comes out to be 2 years, 4 months and 24 days as on date. As per custody certificate, petitioner is not involved in any other NDPS case.

Learned counsel for the petitioner relies upon **CRM-M No.20566 of 2019** titled '**Veeru vs State of Punjab**' decided on 19.11.2019, **CRM-M No.41779 of 2020** titled '**Gurpreet Singh vs State of Punjab**' decided on 17.12.2020, **CRM-M No.17481 of 2020** titled '**Mani Singh @ Maddi vs State of Punjab**' decided on 22.07.2020, **CRM-M No.25382 of 2020**

titled '**Gurbaksh Singh vs State of Punjab**' decided on 02.09.2020 and submits that by virtue of long incarceration of the petitioner, he is entitled for regular bail de hors the nature of quantity allegedly recovered from him.

Per contra, learned State counsel opposes the bail on the ground that the recovery is commercial in nature. Out of 13 prosecution witnesses, only 4 witnesses have been examined so far and tomorrow is the date fixed for examination of remaining prosecution witnesses.

The apprehension of the learned State counsel is that petitioner is resident of Mumbai and he may delay the trial in the event of grant of regular bail. Co-accused Zeenat is also resident of Mumbai and she has been granted bail subject to her furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

In view of status of the petitioner in terms of his custody for the last 2 years, 4 months and 22 days, I deem it appropriate to treat the petitioner at parity with that of co-accused Zeenat.

In view of above, this petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/ concerned Duty Magistrate.

(RAJ MOHAN SINGH)
JUDGE

whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no