

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-12250-2022 (O & M)
Date of Decision: February 01, 2023**

SURINDER KUMAR ALIAS BAHYA

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.L.M. Gulati, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.124 dated 21.10.2020, under Sections 21, 29 of the NDPS Act, registered at Police Station 'D' Division, Amritsar, District Amritsar.

Learned counsel for the petitioner submits that it is alleged that 262 grams of heroin was recovered from a polythene bag which was hanging on the handle of an Aactiva being driven by the petitioner. The co-accused was riding pillion. He submits that the petitioner is involved in other cases under the NDPS Act but these pertain to non-commercial quantity. The petitioner is in custody for over 02 years and 03 months. Co-accused Harish Kumar @ Bhanewa, who was pillion riding, has been granted regular bail by this Court in CRM-M-23763-2022 on 09.12.2022.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 02 years, 03 months and 06 days. He submits that the petitioner has been convicted in other cases under the NDPS

Act and, therefore, he does not deserve the concession of regular bail. He upon instructions from ASI Rajpal Singh states that none out of 13 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 02 years and 03 months and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

At the time of release of the petitioner, the SHO, Police Station 'D' Division, Amritsar, District Amritsar shall be informed and the petitioner shall furnish his mobile number to him and keep his mobile location on. He shall appear before the Police Station 'D' Division, Amritsar, District Amritsar on first Monday of every month till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

February 01, 2023
A.Kaundal

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