

IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH

222

CRM-M-25636-2023 (O&M)

Date of Decision: 10.08.2023

MALVINDER SINGH @ BUNTY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Ms. Anamika Prakash, Advocate  
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

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**HARNARESH SINGH GILL, J.(Oral)**

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.109 dated 03.04.2023, registered under Sections 21 and 29 of the NDPS Act, at Police Station Sohana, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that the alleged recovery effected from the petitioner is non-commercial quantity; that the petitioner has been in custody since 03.04.2023; that there is no other case registered and/or pending against the petitioner under the NDPS Act and that out of total 10 prosecution witnesses, none has been examined so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with Randeep Singh were traveling in a car; that the said car was signaled

to stop; that the petitioner came out of the car, whereas co-accused, namely, Randeep Singh, fled away from the spot and that the recovery was effected from the hands of the petitioner. He further submits that prosecution evidence is yet to commence and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 03.04.2023. Recovery effected in the present case is non-commercial quantity. There is no other case registered and/or pending against the petitioner under the NDPS Act. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

**10.08.2023**

Aman Jain

**(HARNARESH SINGH GILL)**

**JUDGE**

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*