

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH**

**203**

**CRM-M-41311-2021 (O&M)**

**Date of Decision: 13.03.2023**

PARDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present: Mr. Rahul Sharma, Advocate  
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

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

Through this petition, the petitioner seeks regular bail in case bearing FIR No.30 dated 16.02.2020, registered at Police Station STF Phase-4, District Mohali, under Sections 21 and 29 of the NDPS Act.

Learned counsel for the petitioner submits that there are two accused in the present case, who are brothers; that the alleged recovery of 582 gram Heroin was effected from the petitioner and co-accused, namely, Jasvir Singh @ Jassu; that the said co-accused has already been granted the concession of regular bail by this Court on 02.08.2021; that the petitioner has been in custody since 16.02.2020 and that there is no other case registered and/or pending against the petitioner, at least of a similar nature. He further submits that out of total 14 prosecution witnesses, only 7 have been examined, so far.

While opposing the bail petition of the petitioner, learned State counsel submits that the recovered contraband falls under the commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in the case of a commercial quantity. She, however, does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 16.02.2020. Co-accused has already been enlarged on bail. There is no other case registered and/or pending against the petitioner, at least of a similar nature. Some of the prosecution witnesses are yet to be examined. 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.

**13.03.2023**

Aman Jain

**(HARNARESH SINGH GILL)**  
**JUDGE**

|                                  |   |               |
|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |