

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-53325-2021 (O&M)

Date of Decision: 18.07.2023

HARDEEP SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. JS Sandhu, Advocate
for petitioner No.1.

Mr. Gurmeet Singh Saini, Advocate
for petitioner No.2.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioners seek regular bail in case bearing FIR No.31 dated 03.03.2021, registered at Police Station Sangat, District Bathinda, under Section 22-C NDPS Act.

Both the learned counsel for the petitioners contends that, though, as per the case of prosecution, the petitioners were apprehended along with 15000 loose intoxicating tablets, yet the fact remains that out of the said recovered tablets, only 10 tablets were sent for chemical examination; that the petitioners have been in custody since 03.03.2021 and that there is no other case registered or pending against the petitioners, at least of a similar nature.

In support of his contentions, learned counsel for the petitioners relies upon the orders dated 22.08.2022 passed by the Hon'ble

Apex Court in Special leave to Appeal (Crl.) Nos.5530-2022 titled as Mohammad Salman Hanif Shaikh vs State of Gujarat and dated 04.05.2023 passed in Special Leave to Appeal (Crl.) No.3221/2023 titled as Hasanujjaman and others vs State of West Bengal.

Per contra, while opposing the prayer for grant of regular bail to the petitioners, learned State counsel does not dispute their custody. He, however, submits that the recovery effected from the petitioners is a commercial quantity and that Section 37 of the NDPS Act bars the grant of bail to the person involved in commercial quantity case. He further submits that since only two prosecution witnesses remained to be examined, the petitioners be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitiones have been in custody since 03.03.2021. There is no other case registered and/or pending against the petitioners, at least of the 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 petitioners 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 petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

: *Yes/No*
: *Yes/No*