

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58700-2022
Date of Decision:-21.03.2023

JATINDER SINGH @ BITTU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.82 dated 17.8.2016 registered under Sections 20 NDPS Act at Police Station Daresi District Ludhiana.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case wherein it is alleged that 2 kgs. ganja was recovered from the possession of the petitioner which comes under non-commercial quantity. The counsel submits that the petitioner is incarcerated since last more than 10 months and that the trial is going on at

the snail's pace. So prayer is made that the petitioner be released on regular bail.

The instant petition is resisted by the State counsel, who has produced custody certificate and has not disputed that present case is relating to recovery of 2 kgs of ganja and the petitioner is in custody since last 10 months. However, the State counsel submits that earlier the petitioner was declared as proclaimed offender. State counsel further submits that trial is going on.

I have considered the submissions made by counsel for the parties.

The present case being of recovery of 2 kgs of ganja comes under non-commercial quantity and thus embargo provided under Section 37 of NDPS Act is not applicable in the present case. Admittedly the petitioner is in custody since last 10 months and no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

21.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No