

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-22823-2015
Date of decision:23.7.2015

Banta Ram and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.D.S.Malwai, Advocate for the petitioner.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek bail pending trial in FIR No.40 dated 19.3.2015 registered under Sections 15, 61 and 85 of the NDPS Act at Police Station, Patran, District Patiala.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. Recovery is slightly more than the commercial quantity. He further submits that since the report under Section 173 Cr.P.C. has not been filed by the investigating agency so far and trial has not commenced so far, final conclusion thereof will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that heavy recovery has been effected from the petitioners. Every efforts shall be made by the investigating agency to prepare and present the challan before the learned court of competent jurisdiction within the stipulated period. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the instant case, petitioners have not been found entitled for bail pending trial. It is so said because the case was registered only on 19.3.2015 and investigating agency has not presented the challan so far before the learned court of competent jurisdiction. The recovery effected from the petitioners is a commercial quantity because of which they are not entitled for bail pending trial at this stage.

At this stage, learned counsel for the petitioners seeks permission of the Court to withdraw the present petition.

Permission is granted.

Dismissed as withdrawn.

23.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE