

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7320 of 2017

Date of decision: 09.05.2017

Satnam Singh @ Satta

... Petitioner

vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.70, dated 20.04.2015, registered under Sections 22/ 61/ 85 of NDPS Act at Police Station Kotwali, District Kapurthala.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner is a young man of 24 years of age; he has been in custody about 10 months; not involved in any other criminal case; the alleged recovery from the petitioner is of 110 grams of 'Alprazolam' which is marginally higher than the prescribed commercial quantity; the petitioner was on interim bail for more than one year but did not misuse the concession of bail during this period and that since till date only examination-in-chief of one of the prosecution witnesses has been conducted, the trial is not likely to conclude in the near future.

In support of his case, learned counsel for the petitioner has relied upon CRM-M-448 of 2016- Amandeep Singh @ Aman Vs. State of

Punjab decided on 03.02.2016 the operative part of which reads as under:-

“As per prosecution version, the recovery from the petitioner is 110 grams of Alparazolam.

Investigation in the present case is complete and the challan has already been presented. State counsel further apprises the Court that out of 11 prosecution witnesses cited, 4 have been examined till date. The trial, as such, would take time to conclude.

*Counsel appearing for the petitioner has brought to the notice of this Court order dated 08.02.2013 passed by a coordinate Bench of this Court in **CRM No.M-2005 of 2013 titled as Bachan Lal @ Kala vs. State of Punjab** wherein also the benefit of regular bail pending trial had been granted to the petitioner therein in a case of alleged recovery of identical quantity i.e. 110 grams of Alparazolam.*

Alleged recovery against the petitioner being marginally over and above the commercial quantity and keeping in view the undisputed fact that there is no other case against the petitioner under the NDPS Act, he is held entitled to the benefit of bail”.

Other judgments passed by this Court in CRM-M-2005 of 2013- Bachan Lal @ Kaka Vs. State of Punjab, CRM-M-16143 of 2014- Anant Ram Vs. State of Punjab, CRM-M-27031 of 2015- Sukha Singh Vs. State of Punjab and CRM-M-4349 of 2016- Shabh Singh @ Saba @ Sahib Singh Vs. State of Punjab which are to the same effect were also cited.

On instructions from HC Lakhwinder Pal Singh, learned State counsel does not dispute that there is no other criminal case pending against the petitioner; the period of custody of the petitioner as also the fact that the examination-in-chief of only one of the prosecution witnesses has been conducted so far.

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In view of the above facts as also relying upon the above referred judgments passed by this Court, which support the petitioner's case, I am of the opinion that the petitioner deserves to be admitted to regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner through this order.

(Deepak Sibal)
Judge

May 09, 2017
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>