

Sr. No.209

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

CRM-M-31735-2018(O&M)

Date of decision:11.12.2018

Ravi Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. A.P.S.Sidhu, Advocate for
Mr. Surinder Garg, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.52, dated 13.04.2018 for the offences punishable under Sections 15/61/85 of NDPS Act, registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the alleged recovery from the petitioner is 3 kg of Poppy Husk which is less than the commercial quantity. The petitioner is in custody since 13.04.2018. Challan has already been filed in the case. Therefore, the petitioner is no more required for any investigation purposes.

On the other hand, learned State counsel being instructed by ASI Gurmit Singh, submits that the recovery from the petitioner is quite heavy. Still further it is contended that there have been other cases of similar nature against the petitioner. Therefore, the petitioner does not deserve any concession of bail. However, learned State counsel has not

disputed the fact that the challan has already been filed in the case, the petitioner is no more required for any investigation purposes.

In response to the submission made by learned State counsel, learned counsel for the petitioner has submitted that in the cases in which the petitioner is stated to be involved, the petitioner is already on bail in those cases. The petitioner is not in custody in any other case except the present one, as of today.

In view of the submissions made by learned counsel for the petitioner, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

11th December, 2018

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*