

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

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CRM-M-33033-2017

Date of Decision: 07.05.2018

Karan Atwal

...Petitioner

V/S

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN,J. (Oral):

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 32 dated 27.05.2016, registered under Sections 21 and 22 of the NDPS Act, at Police Station Behram, District Shaheed Bhagat Singh Nagar (Nawashehar).

Counsel for the petitioner submits that the petitioner was released on interim bail by the trial Court on 26.09.2016 (Annexure P2) and, thereafter, on receiving the report of FSL, the interim bail was cancelled, vide order dated 23.12.2016 (Annexure P3) and the petitioner is in judicial custody since 03.01.2017. Counsel for the petitioner further submits that the petitioner is not involved in any other case and during the period, he was on bail, he has not misused the same. Counsel for the petitioner further submits that no prosecution witness has been examined so far and even the statement of one H.C.Hardev Singh and PW ASI Balbir Singh, was recorded prior to the arrest of co-accused who, at one point of time was declared proclaimed offender and later on was arrested, no further prosecution witness has been recorded.

Learned State counsel, on instructions from ASI Hardeep Singh, has not disputed the fact that the petitioner is not involved in any other case, but has

opposed the prayer of bail by stating that 250 grams intoxicated powders, which has been recovered from the petitioner, contains Diacetylmorphine, which comes in the category of commercial quantity.

Without commenting anything upon the merits of the case, considering the fact that the petitioner is in judicial custody for a period of more than 01 year and 08 months and has not misused the concession of interim bail granted by the trial Court and also in view of the fact that the trial is moving at a very slow pace and no prosecution witness has been examined, the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Illaqa Magistrate.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

07.05.2018
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Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No