

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

CRM-M-5743 of 2019

Date of Decision: 28.02.2019

Varinder Singh @ Sonu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for seeking bail pending trial in case FIR No.210 dated 10.09.2017, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhikhiwind, District Tarn Taran.

It is contended that recovery effected from the petitioner is alleged to be of 750 tablets containing Diphenoxylate Hydrochloride and he was arrested on 10.09.2017. Further contends that during pendency of the present petition the petitioner was released on interim bail by learned trial Court on 02.11.2017 till the receipt of the FSL Report. Also submits that after receipt of the FSL report petitioner surrendered before learned trial Court on 06.10.2018 and thus he has never misused the concession of bail and till date not even a single prosecution witness has been examined.

On instructions from HC Rajpal Singh, learned State

counsel has duly acknowledged the above factual position regarding custody and status of trial, but opposed the bail.

Heard learned counsel for the parties and perused the paper-book.

Admittedly, the petitioner is in custody since 06.10.2018 and not even a single prosecution witness has been examined till date, thus the trial is likely to take a long time to be concluded. Also to be noted that there is no other criminal case pending against the petitioner. Keeping in view the fact that on earlier occasion the petitioner was granted interim bail and he never misused the same, therefore, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Varinder Singh @ Sonu be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is clarified that in case there is a recurrence on the part of the petitioner, the prosecution would be at liberty to move an application for recalling of this order.

The observations made above may not be construed as an expression of opinion on the merits of the case.

[MAHABIR SINGH SINDHU]
JUDGE

February 28, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no