

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

**CRM-M No.6114 of 2019
Decided on: 03.10.2019**

Sukhbeer Singh @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.41 dated 18.04.2018, for offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Harike, District Tarn Taran.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the petitioner was apprehended by ASI Bhupinder Singh on suspicion and when, the option was given to the petitioner, he opted to be searched before a Gazetted Officer and thereafter, the Deputy Superintendent of Police, Patti was called at the spot and 25 strips of intoxicant tablets of ALPLAX was recovered. It is further submitted that the petitioner is a first offender and was granted the concession of interim bail awaiting the report of FSL and thereafter, he surrendered before the trial Court and during the intervening period, he has not misused the concession of interim bail. It is also submitted

that the petitioner has undergone total custody of about 01 year and no prosecution witness has been examined, so far.

Counsel for the State, on instructions from SI Hardial Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the custody period of the petitioner is more than 01 year; he was on interim bail awaiting the report of FSL and has not misused the concession of the same during the said period and also in view of the fact that the petitioner is a first offender and till date, no prosecution witness has been examined, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.10.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No