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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8242-2019

Date of decision-05.03.2019

Palwinder Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gursimran Singh Bhatia, Advocate for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab assisted by
ASI Balkar Singh.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.40 dated 17.02.2017 registered under Sections 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act, at Police Station Beas, District Amritsar Rural.

As per the allegations in the FIR, the petitioner along with two others was riding on the motor-cycle bearing No.PB-67-B-1544. Upon seeing the Police, driver of the vehicle accelerated the speed, however, later on the vehicle was stopped by the driver. Two persons were apprehended on the spot and one of them managed to escape. A polythene bag hanging with the motor-cycle was searched and recovery of 1200 intoxicated tablets was

effected.

Learned counsel for the petitioner has contended that neither the petitioner is owner of the vehicle nor any recovery has been effected from him. It is pointed out that on 17.04.2017, interim bail was extended to the petitioner on the ground that the FSL report is awaited. It is contended that the petitioner is taken back in custody on 08.02.2019 i.e. after submission of the FSL report. Learned counsel further contended that the charges are yet to be framed, therefore, further detention of the petitioner may not be justified particularly when during the period of release, neither the concession of bail has been misused nor any other case of similar nature or otherwise has been committed by the petitioner.

On the other hand, learned State counsel assisted by ASI Balkar Singh opposed the bail application on the ground that the recovery effected from the petitioner is commercial in nature. It is argued that the petitioner was apprehended on the spot and the FSL report reveals that recovered contraband from the petitioner and his co-accused falls under NDPS Act. However, it is not disputed that the charges are yet to be framed.

Considering the above background and the fact that the concession of bail was never misused by the petitioner, this Court does not find any reason to further detain the petitioner in custody during the pendency of the trial. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

05.03.2019
vanita

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