

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

222

CRM-M-12259-2019 (O & M)
Date of Decision:25.03.2019

Sarabjit Singh @ Sahb

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Sarabjit Singh @ Sahb 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, under Sections 21/22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Beas, District Amritsar.

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 03.04.2017, interim bail was extended to

the petitioner on the ground that the FSL report is awaited. It is contended that the petitioner was taken back in custody on 19.01.2019 i.e. after the presentation of challan. Learned counsel further contended that after framing of charges, no PWs have been examined till date, therefore, further detention of the petitioner may not be justifiable 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 Satinder Pal opposed the bail application on the ground that the recovery effected from the petitioner is of 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 the NDPS Act. However, it is not disputed that no PW has been examined till date.

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.

25.03.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No