

CRM-21120-2019 in/and
CRM-M-12093-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-21120-2019 in/and
CRM-M-12093-2019

Date of decision-22.10.2019

Sarabjit Singh @ Sabha

....Applicant-Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Jatinder.

MANOJ BAJAJ, J.

CRM-21120-2019

Application is allowed as prayed for.

Documents are taken on record.

Main case

Petitioner-Sarabjit Singh @ Sabha has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.72 dated 13.09.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Valtaha, District Tarn Taran. The petitioner is in judicial custody since his arrest on 18.02.2019.

On 13.09.2018, when the police party was on patrol duty at village Algo Khurd then one young man was seen coming from front side

who on seeing the police, tried to run away. On suspicion, he was apprehended and after following the procedure, his search was conducted and 700 tablets of tramadol and 420 tablets of alprax were recovered from his possession.

Learned counsel for the petitioner contends that the petitioner was extended the concession of interim regular bail on 29.10.2018 by the trial Court as the FSL report in respect of the recovered contraband was awaited. Learned counsel submits that upon presentation of the report, petitioner was present in the Court and was taken in custody on 18.02.2019. He contends that during the period of four months, neither the said concession of bail was misused nor any other offence was committed by the petitioner. He submits that the charges were framed on 12.03.2019, however, no witness has been examined so far.

On the other hand, learned State counsel assisted by ASI Jatinder opposed the prayer, however, he does not dispute the fact that interim regular bail was granted to the petitioner for a period of four months. It is also not disputed that no witness has been examined so far by the prosecution. He submits that the recovered contraband falls within the category of commercial quantity. Further upon instructions he submits that petitioner is not involved in any other case of similar nature.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as the prosecution is yet to examine its witnesses, therefore, further custody may not be justified. Resultantly, without meaning any expression of opinion on

the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Tarn Taran.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.10.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No