

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50921 of 2018
Date of Decision:.26.03.2019

Mukhtiar Singh @ Mukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Digvijay Nagpal, Advocate for the petitioner.
Mr.C.L.Pawar, Sr.DAG, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.108 dated 02.08.2018, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka.

As per the FIR, on 02.08.2018, ASI Harbans Lal along with other police officials in government vehicle no.PB-05R-9846 was on regular checking and patrolling to the turn of village Hasta behind 20/25 sq.ft. and found four hair cut young persons standing on village Hasta's Turn with motorcycle Dominer colour black blue and scooty Maestro colour white and kept something in polythene bag, who on suspicion were stopped. Out of those four persons, petitioner and two others were apprehended while the fourth escaped and from the search of polythene bag, 52 kgs of poppy husk was recovered.

It is contended on behalf of the petitioner that he is in custody

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since 02.08.2018 and after investigation report under Section 173 Cr.P.C has already been submitted before the Court of competent jurisdiction and now after framing of the charges, case is fixed for prosecution evidence. Also contends that there are eight prosecution witnesses but till date none has been examined.

The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Mohinder Singh, but opposed the bail on the ground that recovery is commercial quantity.

Since recovery in this case is allegedly 52 kgs of poppy husk from three accused persons; keeping in view the custody of the petitioner and the fact that trial is not likely to be concluded in near future and more particularly there is no other criminal case pending against him, this Court deems it appropriate if the concession of bail is granted to the petitioner. Therefore, this petition is allowed and petitioner-Mukhtiar Singh @ Mukha is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

However, it is clarified that if there is a recurrence on the part of the petitioner, the prosecution would be at liberty to approach for recalling of this order.

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

26.03.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>