

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

**CRM-M No.34036 of 2019
Decided on: 25.09.2019**

Shamsher Singh @ Vicky

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.233 dated 11.09.2015 registered under Section 22/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 at Police Station Sultanwind, District Amritsar City.

Counsel for the petitioner has submitted that the petitioner was arrested on 11.09.2015 and was granted interim bail on 30.10.2015 awaiting the report of the FSL. It is further submitted that the report was received on 19.09.2016, however, the challan was presented only on 26.11.2018 and on that day, the petitioner was taken in custody.

Counsel for the petitioner has referred to the FSL report in which the quantity of ingredients of the sample parcel was found to be 0.1% of Alprazolam. It is further argued that the petitioner is not involved in any other case and it will take some time in conclusion of

the trial.

Counsel for the State, on instructions from ASI Hardeep 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 challan was presented after a period of 03 years and the during the intervening period, the petitioner has not misused the concession of interim bail and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

25.09.2019
yakub

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