

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

**CRM-M No. 38160 of 2019
Date of Decision:-13.09.2019**

Veer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Veer Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 145 dated 25.9.2017, under Sections 22/61 of NDPS Act, registered at Police Station Lambra, District Jalandhar.

As per FIR, on 25.9.2017 when the police party was present little ahead of Pulli river Mirpur then one Hindu youngman was seen coming on foot and on seeing the police party he perplexed and started walking on his right side towards fields. On the basis of suspicion, the police apprehended him, who disclosed his name as Veer Singh (petitioner) and on search, from the polythene tied with the string of trouser, 15 vials Avil(R) 10 ml and 11 injections of Rexogesic 2ml each were recovered.

Learned counsel for the petitioner has submitted that on 05.12.2017 the petitioner was granted interim bail by the trial Court till receipt of report of FSL. Now, after filing of FSL report and the final report on 01.6.2018, the petitioner was taken into custody. He further contends that the quantity of contraband recovered from the petitioner is marginally above the non-commercial quantity and neither the concession of interim bail was misused nor any other case is pending against him. He further contends that the trial will take considerable time as out of total 10 prosecution witnesses, only one witness has been examined so far.

On the other hand, learned State counsel, who is assisted by ASI Baldev has opposed the prayer. However, it is not disputed that the prosecution has examined only one witness out of total 10.

Heard.

Though the recovered contraband falls within the commercial category, but considering the fact that the petitioner was granted interim bail by the trial Court vide order dated 05.12.2017 and he never misused the said concession, therefore, 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, Jalandhar

The petition is allowed.

September 13, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No