

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

**CRM-M No. 41981 of 2019
Date of Decision:-06.11.2019**

Swaran Singh @ Shammi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Swaran Singh @ Shammi has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 103 dated 02.8.2019, under Section 18/21/22 of NDPS Act, registered at Police Station Kabarwala, District Sri Muktsar Sahib. The petitioner is in custody since 02.8.2019.

As per FIR, on 02.8.2019 when the police party in connection with checking of suspicious persons involved in illicit drug trade, was present near Dera Sant Baba Kartar Singh in village Gurusar Jodha, a silver coloured car make Honda City bearing registration No.DL-4C-AB-1574

being driven by a Sikh person was seen coming from the side of village Gurusar Jodha. On seeing the police party, driver of the said car perplexed and immediately tried to turn back the car, which suddenly stopped. The driver of the car was apprehended and on checking of car, a plastic bag of black colour, which was lying on the front seat of the said car, 20 grams of opium, 02 grams of heroin and 90 tablets of Tricare-SR containing Tramadol Hydrochloride alongwith money of Rs.91,700/- were recovered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery of the contraband, alleged to be effected from the car falls in non-commercial quantity. He further submits that after completion of investigation, the challan has already been presented on 30.09.2019. He further submits that further detention of the petitioner may not be necessary as the trial is likely to take some time.

On the other hand, learned State counsel, who is assisted by ASI Surjit Singh, opposed the prayer on the ground that the petitioner is a habitual offender and he is involved in two more cases, out of which, in one case he has been convicted for possessing 51 kilograms of commercial quantity of poppy husk, in which sentence of the petitioner has been suspended by this Court in the appeal filed by him, and the other case pending is under the Excise Act.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be

justified. 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, Sri Muktsar Sahib.

The petition is allowed.

November 06, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No