

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45796-2019
Date of decision-31.10.2019

Dilbag Singh @ Bagga

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Dilbag Singh @ Bagga has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.09 dated 27.01.2019 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Kacha Pacca, District Tarn Taran. The petitioner is in custody since his arrest on 21.09.2019.

On 27.01.2019, when the police party was on patrol duty from Tarn Taran Patti, Kacha Pacca to Manakpur Dhariwal, then one person was seen coming on the road from the side of Makhikalan, who on seeing the police, tried to run away. On suspicion, he was apprehended and after following the procedure, his search was conducted and 800 loose tablets containing diphenoxylate hydrochloride were recovered from his possession.

Learned counsel for the petitioner contends that the recovery memo does not bear the signature of the petitioner and it has rendered the alleged recovery doubtful. According to him, on 28.02.2019, the petitioner was extended the concession of interim regular bail by the trial Court as the

FSL report in respect of the recovered contraband was awaited. However, upon receipt of the same, the petitioner surrendered on 21.09.2019. Learned counsel further argued that concession of interim bail was never misused by the petitioner, therefore, it is a fit case where concession of regular bail may be extended to him. He further submits that there is no other case against the petitioner.

On the other hand, learned State counsel assisted by ASI Kamalpreet Singh opposed the bail application. He submits that merely because the recovery memo was not signed by the petitioner would not vitiate the prosecution case. However, it is not disputed that the concession of interim bail was not misused by the petitioner and he is not involved in any other case of similar nature.

After hearing learned counsel for the parties, this Court finds that the concession of interim bail was never misused by the petitioner and trial of the case is likely to consume considerable time, therefore, further custody of the petitioner 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

31.10.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No