

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1191-2020

Date of Decision: 17.01.2020

Mohan Singh @ Mohna

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jagjeet Singh, Advocate for
Mr. Amit Arora, Advocate for the petitioner

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.138 dated 08.06.2014, under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran. He is in custody since his arrest on 03.12.2019.

The case of the prosecution is that on 08.06.2014, when the police party reached on the bridge over the canal near village kacha pakka during patrolling, a person was seen coming holding one plastic bag in his right hand. On seeing the police party, he got perplexed and thrown away the plastic bag and started moving backward hurriedly. On asking, he disclosed his name as Mohan Singh @ Mohna. Upon search, 150 grams of alprazolam powder was recovered from the polythene bag, which was thrown by the accused.

As per the prosecution case, the petitioner was arrested on the spot on 08.06.2014 as 150 grams of alprazolam powder was found in his

possession. It is not disputed that after few months, the concession of interim bail was extended to the petitioner as the FSL report was awaited. Upon receipt of the FSL report dated 05.08.2019, the said concession was cancelled and the petitioner was taken into custody on 03.12.2019.

Learned State counsel on instructions from ASI Bhakshish Singh, has apprised the Court that the final report stands filed. It is not disputed by him that the petitioner is not involved in any other similar case and the concession of interim bail was also not misused by him.

Considering the above and keeping in view the fact that the 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.

17.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No