

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 206

CRM-M-11046-2020

Date of decision : 28.05.2020

Atma Ram

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.G.S.Madaan, Advocate, for the petitioner.

Mr.H.S.Sullar, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.76 dated 28.04.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Goraya District Jalandhar.

Seeking regular bail for the petitioner learned counsel submitted that the petitioner has been falsely implicated; he has been in custody for over a year; there is no other criminal case in which he is involved; challan under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that since only one out of the total ten prosecution witnesses has been examined the trial is likely to take a long time to conclude.

Learned State counsel opposed the grant of regular bail to the petitioner on the ground that commercial quantity of narcotics has been recovered from him.

There is no other criminal case in which the petitioner is involved; challan under Section 173 Cr.P.C. has already been filed and

therefore the petitioner is not in a position to influence the investigation; only part examination of one out of the total ten prosecution witnesses has taken place and therefore the trial is not likely to conclude in the near future.

In view of the above as also for the reason that the petitioner has already suffered incarceration for over a year, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail and it is so ordered. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

28.05.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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