

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

201

**CRM-M-27413-2020 (O&M)
Decided on : 23.09.2020**

Mukhtiar Singh @ Bhola

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Rahi Mehra, Advocate, for the petitioner.
Mr.Hitten Nehra, Addl.AG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present petition, filed under Section 439 Cr.P.C., seek release of the petitioner on regular bail in FIR No.193 dated 19.07.2018 registered at Police Sadar Tarn Taran, District Tarn Taran under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1958 (for short, the 'Act').

A perusal of the paperbook would go on to show that in the earlier application for regular bail, petitioner was granted interim bail by the Trial Court since the report of the FSL was awaited. The condition was that he had to surrender before the Court if the contents of the intoxicant fell under the category of commercial quantity, as per order dated 06.09.2018 (Annexure P-3). On account of the challan having been presented and as per the report of the chemical expert, he was taken into custody on 14.02.2019 (Annexure P-4) and charge was framed under Section 22 of the Act. Thus, it is apparent that petitioner's regular bail was never considered on merits.

Counsel for the petitioner submits that on an earlier occasion, petitioner had filed CRM-M-18764-2019 which was dismissed as withdrawn on 28.08.2019 and the same would stand in his way to seek the benefit of regular bail, on merits, before the Trial Court.

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From the perusal of the said order, it would be apparent that the case was not argued on merits and therefore, this impediment would not stand in the way of the petitioner in filing a petition for regular bail before the Trial Court.

Counsel for the petitioner, accordingly, submits that he may be permitted to withdraw the present petition, to avail his remedy, before the Trial Court, in accordance with law.

Ordered accordingly.

SEPTEMBER 23, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No