

209 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-33692 of 2020

Date of Decision : 03.11.2020

Suresh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.140 dated 25.07.2020 under Section 18 of the NDPS Act, 1985 registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case and even otherwise, the recovery from the petitioner is 1 kg of *opium* from the polythene bag, which is not commercial quantity and the petitioner is already behind the bars from the last three and a half months. Learned counsel for the petitioner further submits that the investigation has already been completed and the challan has been presented and the trial is likely to take some time and petitioner is not involved in any other case, therefore, the petitioner be granted the

benefit of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that the recovery which has been effected from the petitioner is of non-commercial quantity and no other case is pending against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed that the recovery of the contraband which has been effected from the petitioner is of non-commercial quantity and the petitioner is not involved in any other case and the investigation has been completed and challan has been presented and completion of trial will take some time, the petitioner has made out a case for the grant of benefit of regular bail as keeping the petitioner behind the bars will serve no purpose, especially, when learned counsel for the petitioner undertakes that the petitioner will maintain good conduct while on bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 03, 2020  
aarti/naresh k.

(HARSIMRAN SINGH SETHI)  
JUDGE

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