

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

CRM-M-32564 of 2019

Date of Decision:-19.02.2020

Shamsher Singh @ Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Inder Pal Singh, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Shamsher Singh @ Shera has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.33 dated 28.4.2019, under Section 22/29/61/85 of NDPS Act, registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner has *inter alia* argued that in the present case although the recovery of 1200 loose intoxicant tablets containing salt dyphenoxylate hydrochloride was allegedly effected which is commercial in nature, in the present case after completion of

investigation, challan has been presented and even charges have also been framed. He further submitted that the petitioner is in custody since 28.4.2019 and a false case has been planted upon him. He further submitted that there is no other case either under the NDPS Act or any other law pending against the petitioner.

Per contra learned State counsel has not disputed the custody period and the fact that there is no other case against the petitioner but has further stated that there is bar under Section 37 of the NDPS Act that may operate and therefore he has opposed the prayer for grant of bail to the petitioner.

I have heard learned counsel for the parties and perused the records.

Undisputedly the petitioner is in custody since 28.4.2019 and after completion of investigation, challan has already been presented and charges have also been framed. The bar of Section 37 of NDPS Act may operate but in the given circumstances the benefit can be given on the basis of reasons recorded. Presently, the petitioner is not involved in any other case and the investigation of the case is already complete and it is not a case of the respondent that there is likelihood that the petitioner would influence the witnesses or temper with the evidence on record.

In view of the above, I deem it appropriate to grant the benefit of bail to the petitioner. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated

as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 19, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

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