

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

**CRM-M-54721-2019
Date of decision-08.01.2020**

Ravi Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. APS Rehan, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.23 dated 21.03.2019 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Qadian, Police District Batala, District Gurdaspur. The petitioner is in custody since his arrest on 18.10.2019.

As per the prosecution case, when the police party was on patrol duty and were going towards village Dalla and Qadian, then one motorcycle bearing No.PB-58-D-4748 being driven by one clean shaven person was seen coming. On seeing the police, he tried to run away. On suspicion, he was apprehended and after following the procedure, search was conducted and a polythene containing loose brown colour intoxicating capsules was recovered from him.

Learned counsel for the petitioner contends that at the time of recovery of the alleged contraband, a specific quantity and the name of the

said contraband was mentioned as 4500 capsules 'Pervorinspas'. He contends that there is material variation in the FSL report where the alleged contraband is described as Pervorin Spas, Ridley and Primovon Spas and different quantities have been mentioned. Learned counsel contends that the petitioner is not involved in any other case much less of the similar nature and considering the custody period, he deserves the concession of regular bail.

On the other hand, learned State counsel who is assisted by ASI Sulakhan Singh opposed the prayer. She has apprised the Court that investigation of the case is complete and charges were framed against the petitioner on 19.10.2019, however, witnesses are yet to be examined. She fairly submits that there is some variation in the version in the FIR and the FSL report. However, according to her, it would be a matter of the trial.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further detention of the petitioner may not be justified, particularly when the investigation of the case is complete. 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

08.01.2020

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