

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15020-2020 (O&M)

Date of decision: 07.09.2021

Mohit Sharma @ Pandit

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.100 dated 13.08.2019 under Section 22 of NDPS Act, registered at Police Station Sadar, District Jalandhar Commissionerate.

Learned counsel for the petitioner submits that in the FIR registered at the instance of ASI Jasvir Singh, it is stated that while on a patrol duty, near the Railway Station, a boy was seen coming, carrying a polythene bag in his left hand. On seeing the police party, he became perplexed and was apprehended on suspicion. On enquiry, he disclosed his name as Mohit Sharma @ Pandit son of Tarsem Lal. On checking the polythene bag, which he was carrying in his hand, 50 injection of intoxicating AVIL-10 ML and 50 injection

of mark REXO-GESIC weighing 2 ML were recovered. It is further submitted that though it is a case of chance recovery, however, as per the prosecution version, the petitioner was holding the polythene bag, therefore, it will be a matter of trial whether the recovery was effected from his personal search in terms of Section 50 of NDPS Act.

Learned counsel for the petitioner further submits that the petitioner is in custody for the last 01 year, 09 months and 28 days; he is first offender and is not involved in any other case.

Learned State counsel has filed the custody certificate dated 06.09.2021 in the Court today and has not disputed the custody undergone by the petitioner. It is also not disputed that the petitioner is first offender.

Learned State counsel has submitted that charges were framed on 10.02.2020, however, till date, out of total 11 prosecution witnesses, none has been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

07.09.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No