

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

114

CRM-M-23273-2021

Date of Decision: 26.11.2021

Bhag Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Bhupinder Kaur, Advocate for
Mr. Gurmeet Singh Bajwa, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C has been moved by petitioner-Bhag Singh for grant of regular bail in case FIR No.44 dated 08.06.2015 under Section 22 of NDPS Act, registered at Police Station Dhilwan, District Kapurthala.

Custody certificate dated 25.11.2021 of petitioner as well as copy of FSL report have been placed on record at the instance of respondent-State.

Learned counsel appearing for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. She further submits that allegedly contraband weighing 110 grams (Diacetylmorphine “non-commercial quantity”) was recovered from the petitioner, whereas petitioner has no nexus whatsoever with the above said contraband. She further urges that previously petitioner was granted interim bail and now he is in custody w.e.f. 23.09.2019. She further

urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 23.09.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Bhag Singh** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kapurthala, as the case may be.

(LALIT BATRA)
JUDGE

26.11.2021

Varinder Prashad