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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23970-2021

DATE OF DECISION: 1st JULY, 2021

NISHAN SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 439 of Cr.P.C. seeking regular bail in FIR No. 50, dated 18th March, 2019, under Section 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station City Patti, District Tarn Taran.

The earlier bail application filed by the petitioner was dismissed as withdrawn with liberty to approach the Court concerned for regular bail on 28th April, 2021.

The brief facts are that during routine checking on 18th March, 2019, a motorcycle bearing registration No. PB-46-R-0292 being driven by Nishan Singh (Petitioner) was checked and from his conscious possession 258.7 grams of Tramadol was recovered.

Mr. Amit Arora, learned counsel appearing for the petitioner submits that the petitioner remained in custody from March, 2019 to June 2019. Thereafter, he was granted interim bail and the same was cancelled on receiving the FSL report. The contention is that the recovery is just marginally above the commercial quantity prescribed under the Act. He further submits that investigation is complete, challan stands presented and no recovery is to be made.

Ms. Monika Jalota, Deputy Advocate General, Punjab, opposes the regular bail and submits that recovery is of commercial quantity.

In the present case, the recovery is marginally higher than the commercial quantity. Considering that investigation is complete; challan stands presented; no recovery is to be made; conclusion of trial is likely to take time, no other case of the similar nature is pending against the petitioner and no useful purpose would be served by keeping the petitioner behind the bars, the petitioner is granted bail. The bail would be subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

1st JULY, 2021
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No