

CRM-M No.28724 of 2021
Date of Decision : 28.07.2021

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. M.S. Bajwa, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.80 dated 01.06.2021 registered under Sections 379 and 411 IPC besides Sections 21/61/85 NDPS Act, 1985 at Police Station City, Patti, District, Tarn Taran.
3. Learned counsel contends that the petitioner was arrested on 01.06.2021, leading to recovery of 05 grams of *heroin* and one stolen motorcycle whereafter on the basis of disclosure statement made by the petitioner, 04 other stolen motorcycles were recovered from the house of the maternal uncle of the petitioner i.e. Buta Singh, the petitioner is in custody since 01.06.2021 and he is not involved in any other case, besides, challan is yet to be filed, therefore, trial would take considerable period of time. Learned Counsel further contends that the petitioner

undertakes to appear before the learned trial Court on each and every date and also to abide by the law during the period he is on bail, therefore, no useful purpose would be served by keeping the petitioner in custody.

4. Learned State Counsel on instructions from *SI Amrik Singh*, confirms that recovery of only 05 grams of *herion* was made from the petitioner on his arrest on 01.06.2021, there is no other criminal case registered against him and that apart from the recovery of 05 grams of *heroin* along with one stolen motorcycle at the time of his arrest, 04 other stolen motorcycles were recovered on the basis of disclosure statement by the petitioner.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, recovery from the petitioner is of 05 grams of *herion*(i.e. non-commercial quantity) besides 05 stolen motorcycles. He is in custody since 01.06.2021. The petitioner is not involved in any other criminal case. Challan is yet to be filed, consequentially, trial would take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner in custody.

7. Accordingly, the petition under Section 439 Cr.P.C. is allowed. Petitioner-Jobanjeet Singh @ Bira is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief

Judicial Magistrate/Duty Magistrate concerned, provided he is not

required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case. It is further made clear that if the petitioner is involved in any other case during the period while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

28.07.2021
'Rajneesh'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*