

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CRM No. M-38678-2021

Date of Decision : 21.09.2021

Balvir Kumar @ Bira

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Krishan Kanha, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 35 dated 19.06.2021, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner argues that in the present case, the recovery made from the petitioner is not commercial in nature as 10 injections of Buprenorphine containing 2ml each and 10 injections of Avil containing 10ml each were recovered from his possession. Learned counsel for the petitioner submits that the investigation is already over and the challan has been presented and, therefore, no useful purpose will be served in keeping the petitioner behind the bars, especially, when the petitioner undertakes to maintain a good conduct, if granted bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel concedes that quantity of the contraband received from the petitioner is not of commercial in nature and the petitioner is not involved in any other case and the challan has already been presented.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, challan has already been presented and recovery of the contraband from the petitioner is not commercial in nature and there are no other cases pending against him to show that the petitioner is a habitual offender and the trial is likely to take some time before the same concludes, no useful purpose will be served in keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 21, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No