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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 06.09.2021

1.CRM-M No.34166 of 2020(O&M)

Baljit Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

2.CRM-M No.34332 of 2020(O&M)

Satpal Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. P.S. Sekhon, Advocate
for the petitioner in CRM-M No.34166 of 2020.

Mr. J.K. Singla, Advocate
for the petitioner in CRM-M No.34332 of 2020.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.34166 of 2020 titled Baljit Singh Vs. State of Punjab and CRM-M No.34332 of 2020 titled Satpal Singh Vs. State of Punjab are being disposed of.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.385 dated 19.09.2020 registered under Sections 18, 25 of the NDPS Act at Police Station Sadar Mansa, District Mansa.

FIR was registered on the basis of secret information. Two persons were apprehended from a car. Recovery was effected from the place underneath the driver seat. Satpal was the co-occupant of the car.

Learned counsel for the petitioner(s) submitted that there is total non-compliance of Section 50 of the NDPS Act. The alleged recovery is of 2 kg 556 grams of opium, which is marginally in excess of the quantity prescribed for commercial quantity in case of opium. Learned counsel relies upon **State of Rajasthan Vs. Parmanand and another, 2014(2) RCR (Criminal) 40, Vijaysingh Chuandubha Jadeja Vs. State of Gujarat, 2010(4) RCR (Criminal) 911** and **Gurjant Singh @ Janta Vs. State of Punjab, 2013(4) RCR (Criminal) 874** to

contend that in case of reposition of faith, it was obligatory on the part of the investigating officer to take the suspect to the nearest Magistrate so as to impart authenticity, trustworthiness and creditworthiness in the prosecution story. Learned counsel also relies upon **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** in the context of recovery being marginally in excess of the quantity prescribed for commercial quantity. Petitioner(s) is/are in custody for the last more than eleven months. Challan has been presented. Even four prosecution witnesses have been examined.

Learned State counsel, however, opposed the bail on the premise that the recovery is commercial in nature. Though the petitioner(s) is/are not involved in any other case, but there is every likelihood that the trial may conclude within a short period.

Looking to the aforesaid facts and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, both petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction

of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

06.09.2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No