

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-39532-2021

Date of Decision : 27.09.2021

Avtar Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kanwaljeet Singh, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

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. 13, dated 24.02.2021, registered under Sections 18 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Garhdiwal, District Hoshiarpur.

Learned counsel for the petitioner argues that 1 kg. 150 grams of Opium was recovered from the petitioner and 3000 loose intoxicant tablets were recovered from the co-accused, namely, Karnail Singh. Learned counsel for the petitioner submits that petitioner was initially granted the interim bail till the submission of the FSL report and after the FSL report was received and the tablets were found to be intoxicant tablets, the petitioner was arrested.

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 the fact that 1 kg. 150 grams of Opium was recovered from the petitioner, whereas 3000 loose intoxicant tablets were recovered from co-accused, namely, Karnail Singh, for which the challan has also been submitted and the charges have already been framed and the contraband recovered from the petitioner is not commercial in nature and there is no other case pending against the petitioner.

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

Once, the charges have already been framed and recovery of the contraband from the petitioner is not of commercial nature and there is no other case pending against the petitioner, the petitioner has made out a case for the grant of regular bail, especially, when the trial is likely to take some time before it concludes, and 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 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>