

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

108

**CRM-34191-2021 in CRM-M-40090-2021
Date of Decision: 27.10.2021**

Krishan Singh

....Applicant/Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Munish Gulati, Advocate for applicant/petitioner.

Mr. Anmol Singh Sandhu, Assistant Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-34191-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 25.11.2021.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

This petition under Section 439 Cr.P.C has been moved by petitioner-**Krishan Singh** for grant of regular bail in case FIR No.160 dated 16.08.2021 under Section 21 (b) of NDPS Act, registered at Police Station

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that though allegedly the recovery of contraband (Heroin weighing 100 grams) has been shown at the instance of petitioner but the said recovery is planted one. He further urges that even otherwise, alleged contraband falls under “non-commercial quantity”. He further urges that petitioner is not involved in any other case especially of NDPS Act. He further urges that petitioner is languishing in custody since 16.08.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in the Court. He further urges that since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 16.08.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in the Court and since trial

of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Krishan Singh** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Faridkot, as the case may be.

(LALIT BATRA)
JUDGE

27.10.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No