

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

213

**CRM-M-43456 of 2021
Date of Decision : 27.10.2021**

Sunil Kumar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Kumar Sharma, Advocate for the petitioner.

Mr. Deepinder Brar, A.P.P. U.T., Chandigarh.

Harsimran Singh Sethi, J. (Oral)

Custody certificate filed by the learned State counsel in the Court today is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 27 dated 17.04.2021 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station IT-Park, Chandigarh.

Learned counsel for the petitioner argues that in the present case, the allegation alleged against the petitioner is that 500 grams of opium has been recovered from him, which is a non-commercial quantity. Learned counsel for the petitioner submits that in the present case, the investigation is already over and the challan has also been presented and as the trial is likely to take some time before it concludes, the petitioner be granted the

benefit of regular bail especially, keeping in view the fact that there are no other cases pending against the petitioner.

Learned State counsel on instructions from ASI Ram Kumar concedes the factum that the recovery of contraband from the petitioner is of non-commercial quantity and there are no other cases pending against the petitioner. He further concedes that the charges have already been framed against the petitioner.

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

Keeping in view the fact that investigation is already over and challan has also been presented and there are no other cases pending against the petitioner and also keeping in view the fact that the recovery of contraband from the petitioner is of non-commercial quantity and the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars. Hence, the petitioner has made out a case for the grant of regular bail, especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded, in any manner and will maintain a good conduct while on bail. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of 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.

October 27, 2021
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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