

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-40840-2020

Date of decision : 14.09.2021

Avtar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Sidhu, Advocate, for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.41 dated 25.05.2020, registered under Sections 18/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mehna, District Moga.

The petitioner is being prosecuted for having been found in illegal possession of 3 kgs of opium.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in this case; he is in custody since 20.05.2020; he has no criminal antecedents; investigation in this case is complete; no further recovery is required to be made from him; the alleged recovery from the petitioner is 3 kgs of opium which is just 500 grams more than the prescribed commercial quantity and the petitioner's trial, which is yet to commence and in which 17 prosecution witnesses still remain to be examined, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 3 kgs of opium and if released on bail he may indulge in similar offences.

The petitioner has already been in custody since 20.05.2020; he is not involved in any other criminal case; no further recovery is required to be made from him; investigation in this case is complete and that the petitioner's trial, which is yet to begin and in which 17 prosecution witnesses have been cited, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Moga, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

14.09.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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