

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

(213)

CRM-M-45714-2021

Date of Decision : November 08, 2021

Boota Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tarun Sharma, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

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.0056 dated 28.06.2021 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 15-C of the NDPS Act, 1985 added later on) at Police Station Mehna, District Moga.

Learned counsel for the petitioner submits that after the FIR in question was registered, the petitioner was granted the benefit of regular bail on 27.07.2021 but after the presentation of the challan and the FSL report, on the direction given by the trial Court dated 18.08.2021, the petitioner has been arrested. Learned counsel for the petitioner further submits that merely on the submission of the challan and the FSL report supporting the allegations alleged in the FIR, the regular bail already granted should not have been reviewed as the petitioner did not misuse the

said concession as the facts and circumstances as it existed on 27.07.2021, when the petitioner was extended the benefit of regular bail, remained same.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the challan has already been submitted and along with the challan, the FSL report was also submitted to support the challan. Learned counsel for the respondent-State further submits that the quantity, which has been recovered from the petitioner is only a poppy-husk, which is not commercial in nature.

Keeping in view the fact that the petitioner was already extended concession of regular bail and he had not misused the said concession and also the order passed by the Coordinate Bench of this Court in **CRR-2723 of 2018 titled as Saudagar Ali versus State of Punjab on 01.10.2018**, in somewhat similar circumstances, once, the allegation is only with regard to the recovery of the poppy-husk, which is not commercial in nature, the petitioner is extended the benefit of regular bail as the trial is likely to take some time before it concludes and no useful purpose will be served in keeping the petitioner behind the bars.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses

and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

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.

November 08, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No