

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

CRM-M-3556 of 2022 (O&M)

Date of Decision: March 10, 2022

Surjit Singh @ Bunty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Kannan Malik, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant *second* petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.68 dated 26.06.2021, under Sections 22 and 29 of NDPS Act, registered at Police Station Sadar Ahmedgarh, District Sangrur.

Learned counsel for the petitioner herein prays for grant of regular bail to the petitioner, while contending that the petitioner was taken into custody in the aforesaid FIR on 26.06.2021 and the challan stands presented. It is submitted that the petitioner has been apprehended with an alleged possession of 900 tablets of Tramadol whereas, he was not found in conscious possession of the same. It is also argued that there is non-compliance of Section 42 of the NDPS Act, apart from submitting that the alleged recovery is marginally more than what would constitute the commercial quantity. It is also contended that matter is fixed for framing of charges before the trial court today itself and it will take sufficient time to

conclude the trial, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while contending that the petitioner was apprehended at the spot with the intoxicants tablets. However, he does not dispute the fact that the challan stands already presented and the matter is fixed for today before the trial court for framing of charges.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 26.06.2021, investigation stands complete as the challan stands presented, the trial of the case is likely to take sufficient time to conclude and that the alleged recovery is marginally more than what would constitute the commercial quantity, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no effect on the merits of the case.

March 10, 2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No