

**212-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-3915-2022 (O&M)
Date of decision : 21.03.2022**

Major Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Yashpal Thakur, Advocate for the petitioners.

Mr. V.G.Jauhar, Senior DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.252 dated 10.10.2021 under Sections 15, 29, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Lehra, District Sangrur, who is in custody since his arrest on 10.10.2021.

The allegations as noticed by the learned Judge, Sangrur in the order dated 20.01.2022 are as under:

“In the case in hand, on 10.10.2021 the police party headed by ASI Yadwinder Singh were going from village Gidriani to Fatehgarh in a Govt. vehicle PB-13AW-4114 in the course of patrolling and checking of suspected persons. When the police party was about 15 karams behind Churasta (four ways), a young man was seen sitting on a kucha paha. On seeing the police vehicle, he became perplexed andn tried to flee away after leaving two plastic bags which were in his possession. However,

he was apprehended with the help of police officials. He disclosed his name as Major Singh son of Nachhatar Singh, resident of Gidriani, P.S.Lehra. From the two bags in his possession 30 Kg of poppy husk was recovered from one bag and 25 Kg of poppy husk was recovered from the other bag. Thus a total of 55 Kg poppy husk was recovered from Major Singh (applicant).

Learned counsel for the petitioner has argued that the alleged contraband (55 k.g. poppy husk) recovered from the petitioner is marginally higher than the non-commercial quantity. According to him, petitioner is not involved in any other case of similar nature and the investigation of the case is also complete, therefore, he be released on regular bail.

On the other hand, learned State counsel assisted by SI Gurcharan Singh has opposed the prayer and argued that the recovered contraband falls under commercial quantity, however, it is not disputed by him that the investigation of the case is complete and final report is to be filed after completion of formalities in the near future. He has produced the custody certificate filed by way of affidavit of N.D.Negi, Superintendent Central Jail, Bathinda, which indicates that petitioner is not involved in any case of similar nature.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest

on 10.10.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

21.03.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No