

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

211

**CRM-M-6120-2022
Date of decision: 11.05.2022**

KABAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Davneet Sangwan, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 115 dated 01.11.2021 registered under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Rahon, District S.B.S. Nagar.

2. The case of the prosecution is to the effect that the petitioner Kabal Singh had been arrested for being in possession of 35 Kg. of Poppy husk in his I-20 car bearing registration No. PB-10-EE-1110.

3. Learned counsel appearing on behalf of the petitioner submits that the investigation in the case is already complete and that the final report already stands filed. It is further contended that the

petitioner is in custody since 01.11.2021 and that despite filing of challan/final report, charge has not yet been framed so far. He further argues that the petitioner does not have any criminal antecedents and is not involved in any other case. It is also argued that the quantity recovered is non-commercial and that the petitioner has already undergone an actual custody of 06 months and 01 day.

4. Learned State counsel could not controvert the aforesaid submissions advanced on behalf of the petitioner. It is also not disputed that there is no other case registered against the petitioner and the quantity in question is non-commercial.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Taking into consideration, the circumstance noticed above along with the fact that the petitioner is more than 58 years of age. The trial is yet not commenced and he has undergone an actual custody of more than 06 months in recovery of non-commercial quantity of Poppy Husk, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed

as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 11, 2022

vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>