

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

**CRM-M-8512-2022(O&M)
Date of decision: 04.03.2022**

RAM MEHAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr.Pankaj Katia, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.16 dated 01.02.2022 under Sections 21 and 22 of the NDPS Act registered at Police Station Balongi, District SAS Nagar.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the FIR. It is submitted that the petitioner herein has been kept in custody on account of recovery of 10 grams intoxicant substance along with the weight of transparent bag which would not construe recovery of a commercial nature. It is also submitted that there is no allegations in the FIR. Moreover, the said intoxicant substance were sent to FSL for examination which again would vitiate the very trial. It is also submitted that investigation in the

matter is complete and the challan stands presented. Trial is likely to take some time to conclude, therefore, custody of the petitioner would no longer be required.

Per contra, learned State counsel would oppose grant of bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature but is not in a position to dispute the fact that the recovery of intoxicant substance which would not construe recovery of a commercial nature. It is also not disputed that the investigation stands completed and challan has been presented.

I have heard counsel for the parties and have also perused case file.

Keeping in view the fact that the matter has been investigated; recovery effected from the petitioner is not comes under commercial quantity; the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. Without commenting the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

(SANT PARKASH)

JUDGE

04.03.2022

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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No