

103+206

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

-.-

CRM-M-28010-2021 (O&M)
DATE OF DECISION: 17.02.2022

Jiwan Singh

.....Petitioner

versus

State of Punjab

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (Oral):

Heard in virtual mode.

CRM-4853-2022

This is an application for placing on record consent memo under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 as Annexure P-3.

For the reasons stated in the application, the consent memo (Annexure P-3) is taken on record.

CRM stands disposed off.

CRM-M-28010-2021

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.70 dated 14.05.2021 under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner would contend that the recovery from the petitioner is 900 tablets of Tramadol and the total weight as per the FSL report is 321.282 grams and that the commercial quantity is 250 grams. Learned counsel would further contend that the petitioner has been in custody since 14.05.2021 and there is no other case pending against him.

Learned State counsel on instructions from SI Amritpal Singh and on the basis of custody certificate has stated that there is no other case pending against the petitioner although there was one FIR against him which was related to a power-theft, however, he was acquitted in the said case. Learned State counsel has further contended that out of total 14 witnesses, only one witness has been examined till date.

I have heard learned counsel for the parties.

In the present case, the recovery from the petitioner is 321 grams of Tramadol salt and the commercial quantity for which is 250 grams. There is no other case pending against the petitioner. Further, out of total 14 witnesses, only one witness has been examined till date.

Without commenting upon the merits of the case and keeping in view the fact that the trial is likely to take some time to conclude, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

February 17, 2022

tripti

**(ALKA SARIN)
JUDGE**

NOTE:

Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO