

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

CRM-M-No.43139 of 2021 (O&M)

DATE OF DECISION : 18.02.2022

Gurteg Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohit Sadana, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

Heard in physical mode.

CRM-1145-2022:

The main case is fixed today. Hence, the present application is rendered infructuous.

CRM dismissed as having been rendered infructuous.

CRM-M-No.43139 of 2021:

This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0066 dated 02.07.2021 under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Chamkaur Sahib, District Rupnagar.

Learned counsel for the petitioner would contend that as per the FIR a police party was present for checking of suspicious persons and they apprehended Truck bearing registration No.PB65-AT-2368 which was coming from Chamkaur Sahib and on checking, two plastic bags were found lying in the box of the back seat and the petitioner and co-accused were found to be in possession of 51 Kgs. of poppy husk. The learned counsel has further contended that the petitioner has absolutely clean antecedents and there is no other case pending against him. It is further contended that the quantity recovered is 51 Kgs. which is marginally higher than the commercial quantity especially if weight of the plastic bags is deducted. The further contention is that petitioner has been in custody since 05.07.2021.

The learned counsel would further content that in similar circumstance where the quantity is marginally higher, this Court has granted the concession of bail. In support of his contentions, the learned counsel has placed reliance upon the judgments of this Court in *Pritpal Singh alias Ambi vs. State of Punjab, CRM-M-35941-2016, decided on 01.03.2017* and *Pargat Singh vs. State of Punjab, CRM-M-42206-2017, decided on 26.02.2018*.

Notice of motion.

On the asking of the Court, Ms. Harsimrat Rai, DAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel has filed a custody certificate, which is taken on record. As per the custody certificate, the petitioner has been in

custody since 05.07.2021 and there is no other case pending against the petitioner. Learned counsel for the State, on instructions from ASI Nazar Singh, has further pointed out that out of total 12 witnesses 03 have been examined.

Heard.

Without commenting on the merits of the case and keeping in view the fact that the recovery is marginally higher than the commercial quantity as also the fact that the petitioner has already undergone around 7 months' imprisonment and there is no other case pending against him and also considering that the trial is likely to take some time to conclude especially in view of the current situation created by the COVID-19 Pandemic, I deem it 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.

(ALKA SARIN)
JUDGE

18.02.2022
parkash

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