

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 56738- 2022 (O&M)

Date of Decision: 09.12.2022

Jagsir Singh and another

... Petitioners

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. KBS Maan, Advocate
for the petitioners.

Mr. Jashandeep Singh, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioners Jagsir Singh and Gurajwinder Singh have prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 150 dated 09.08.2022, under Section 15(C) of NDPS Act registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, who are alleged to have been found in possession of 250 grams of poppy husk.

Learned counsel for the petitioners contends that the petitioners are in custody since 09.08.2022. He submits that the petitioners have been arrested on the basis of a secret information and there are no other antecedents qua the petitioners herein and that the trial of the case is likely to consume considerable time. He prays that the petitioners be released on regular bail during the pendency of the trial.

Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the

grant of regular bail to the petitioners, while submitting that the recovery is marginally commercial in nature, yet it has gone un-controverted that the petitioners are not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties.

Petitioners are incarceration since 09.08.2022.

It is not a case made out by the respondent-State that the concession of bail if granted to the petitioners, they would be in a position to hamper the course of free and fair trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned. However, in case any FIR is registered against the petitioners under the NDPS Act, the respondent-State would be at liberty to move an appropriate application to have the bail of the petitioners cancelled.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

09.12.2022
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No