

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-9670 of 2023
DATE OF DECISION:-28.02.2023

Jasmail Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satish Sabharwal, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.101 dated 25.12.2022 under Sections 18 of NDPS Act, 1985 registered at Police Station Ajitwal, District Moga (Annexure P-1).

The allegations levelled against the petitioner in the FIR are regarding alleged recovery of 1.4 Kg. of opium which is non-commercial quantity.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* and the petitioner is already behind the bars for a period more than 2 months now and thus, no useful purpose is going to be served for extending his incarceration any further, as such, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that the consideration upon charge is yet to be made by the trial Court and the custody period of the petitioner is less.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, the alleged recovery from the petitioner is of non-commercial quantity; the investigation already stands concluded with the filing of *challan* and the petitioner is already behind the bars for the last more than 2 months now and there does not appear to be any justification for extending the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

28.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No