

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-12305-2023 (O&M)

Date of Decision: 22.03.2023

SAJID

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

DEEPAK MANCHANDA J.

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 127 dated 16.09.2022, under Sections 20/61/85 of the NDPS Act registered at Police Station Sujampur, District Pathankot, who is alleged to have possessed 01 kg 100 gms of Charas, which is marginally above the commercial quantity.

Learned State counsel has filed custody certificate of the petitioner, which is taken on record.

Allegation against the petitioner is that on 16.09.2022, police party on a secret information, apprehended two persons namely Sajid and Sanjeev (present petitioner) with an information that they are in the business of selling "Charas" and are riding even today on motor cycle No. PB 21D 8204 Super Splendor Colour Black, from Madhopur side through UBDC canal link are coming to Malakpur side. After stopping the accused persons motorcycle, and on checking the same, 01 kg 100 gm of "Charas" was recovered from a plastic carton (dabba) from below the seat of the motorcycle.

Learned counsel for the petitioner contends that contraband is recovered from two persons and the quantity is slightly above the commercial quantity and report of FSL is still awaited. It is further contended that investigation of the case is complete and challan already stands presented and no other case is pending against the petitioner. He further submits that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigation Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that FSL report is still awaited and challan stands presented on 13.03.2023.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 16.09.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial, who has clean antecedents, the investigation is complete and the challan also stands presented and since conclusion of trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

22.03.2023
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No