

CRM-M-19633-2023

2023:PHHC:086264

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

(221)

CRM-M-19633-2023

Date of Decision : July 11, 2023

Kashmir Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.29 dated 02.02.2023 registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station Baghapurana District Moga.

2. As per the averments made in the petition that in the present case, even as per the allegations alleged in the FIR, 400 intoxicant tablets were recovered from the personal possession of the petitioner and the remaining recovery of the intoxicant tablets was made from the personal possession of the other co-accused, hence, as the contraband recovered from the petitioner only weigh 151 grams whereas commercial quantity starts from 250 grams coupled with the fact that there is no other case pending against the petitioner, the petitioner may kindly be granted the concession of regular bail as the trial is likely to take some time before it concludes as out of 10 cited witnesses, not even one has been examined so far.

3. Notice of motion.

4. Mr. Jaswinder Singh Arora, learned Deputy Advocate General,

Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

5. Learned State counsel, on the instructions from ASI Buta Singh, does not dispute the said factual averments made in the petition as noticed hereinbefore.

6. I have heard learned State counsel and have gone through the record with his able assistance.

7. Keeping in view the fact that out of 10 cited witnesses, no one has been examined so far and recovery of the contraband from the petitioner is non-commercial in nature coupled with the fact that there are no other cases pending against the petitioner, no useful purpose will be served in keeping in the petitioner behind the bars throughout the trial.

8. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

9. Petitioner is directed to not to influence trial in any manner including influencing the witnesses and in case of default of the above direction, State will be at liberty to approach this Court for passing appropriate orders.

10. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 11, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No