

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216-2

CRM-M No.28643 of 2023 (O&M)
DATE OF DECISION: 28th SEPTEMBER, 2023

Saifi Mohd. Arif

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Muveen Saifi, brother-in-law of petitioner in person.

Mr. Jaspal Singh Guru, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.95 dated 30.03.2023 registered under Sections 15, 18 and 61 of NDPS Act, 1985 at Police Station Dera Bassi, District SAS Nagar (Punjab).

2. It is the case of the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the alleged recovery of 1 kg of opium was effected from the petitioner; which is non-commercial quantity. The petitioner is in custody since 30.03.2023. The charges have already been framed against the petitioner by the trial Court. Therefore, the petitioner is not required for any further investigation purposes. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

3. On the other hand, learned State Counsel, being instructed by HC Balbir Singh, has submitted that the petitioner is directly involved in the crime. A huge quantity of 1 Kg of opium was recovered from the petitioner in person. Therefore, the petitioner does not deserve the concession of bail pending trial. However, it is not disputed by learned State counsel that the alleged recovery from the petitioner is of non-commercial quantity and that the petitioner is in custody since 30.03.2023; and that there is no other case against the petitioner.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

28th SEPTEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No