

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

CRM-M-45019-2021

Date of decision : 03.07.2023

Jand Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha, Advocate for
Mr. K.S.Brar, Advocate for the petitioner.

Mr.Sandeep Kumar, DAG, Punjab.

MANOJ BAJAJ, J.

By means of this petition under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR No.63 dated 26.05.2021 registered under Section 15 (C) and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khuian Sarwar, District Fazilka during the pendency of the trial. The petitioner was arrested on 26.05.2021.

As per the prosecution case, 60 kgs poppy husk was recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner has argued that the alleged contraband recovered from the petitioner is marginally higher than the non-commercial quantity. According to him, petitioner is not involved in any other case of similar nature and the investigation of the case is also complete, therefore, he prays for bail.

On the other hand, learned State counsel assisted by SI Balvir Singh has opposed the prayer and argued that the recovered contraband falls under commercial quantity, however, it is not disputed by him that the

investigation of the case is complete. He has produced the custody certificate filed by way of affidavit of Gurnam Lal, Superintendent Central Jail, Ferozepur which indicates that petitioner is not involved in any case of similar nature. He on instructions further states that after framing of charges on 05.04.2022, no prosecution witness has been examined out of total 12 witnesses.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 26.05.2021.

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/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.07.2023

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No