

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.230

CRM-M-43192-2023

Date of decision:06.11.2023

Nazir Khan @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.Prashant Vashisth, Advocate for the petitioner.
Mr. Mohit Chaudhary, AAG, Punjab.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.105 dated 23.06.2023 registered under Section 15 of the NDPS Act at Police Station Sadar Jagraon, Ludhiana Rural.

2. As per the case of the prosecution, the petitioner was found in conscious possession of 53 kgs of poppy husk.

3. Learned counsel for the petitioners contends that the petitioner has been falsely implicated in the present case. The quantity of alleged contraband recovered from the petitioner is marginally above the 'commercial quantity. No independent witness was joined by the police party. The petitioner is not involved in any other case. He is in custody since 23.06.2023. Trial is likely to take time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned

counsel for the petitioner has relied upon judgments in **(i) CRM-M-37684-2021, Balwinder Singh vs. State of Punjab, decided on 14.02.2022;**
(ii) CRM-M-8212-2022, Tajinder Singh vs. State of Punjab, decided on 03.03.2022 and (iii) CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other case.

5. Status report dated 06.11.2023 filed in Court is taken on record.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S. SHEKHAWAT)
JUDGE

06.11.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO