

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 56208-2022 (O&M)

Date of Decision: 06.02.2023

Jagsir Singh alias Kala

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 81 dated 23.07.2022, under Section 15 of NDPS Act registered at Police Station Mehna, District Moga who is alleged to have possessed contraband of 58 kg of poppy husk.

Learned counsel for the petitioner contends that the petitioner was arrested on 22.07.2022, whereas the FIR was registered on 23.07.2022. He submits that the petitioner has been falsely implicated in the present case as the alleged recovery has been effected from the truck and is marginally above the commercial quantity. He further submits that the challan stands presented in the present case and there is no other case pending against the petitioner and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along-with the reply has been filed by the respondent-State, which are taken on record. Even though learned counsel

appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature. However, he does not dispute the fact that the challan stands presented and charge were framed on 17.11.2022 and he is not involved in any other case.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 25.07.2022.

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. Further, since challan stands presented and the petitioner is not involved in any other case and the trial would take sufficient time, 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.

(DEEPAK MANCHANDA)
JUDGE

06.02.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>