

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-18537 of 2015 (O&M)

Date of decision: 24th September, 2015

Gurpartap Singh alias Kali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab,
for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner has preferred this petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.197 dated 09.12.2014, registered at Police Station Mehatpur, District Jalandhar, under Section 22 of the Narcotic Drugs & Psychotropic Substances Act 1985.

Notice of motion was issued.

Learned State counsel appeared and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per prosecution version, 80 grams of intoxicant powder has been recovered from co-accused Shivcharan and 70 grams of intoxicant powder has been recovered from co-accused Surjit on 09.012.2014. The allegation against the petitioner is that co-accused Shivcharan and Surjit had taken the contraband from him. As per

record, the petitioner was in jail since 16.11.2014 and he has been released on bail in the month of June, 2015, as argued by learned counsel for the petitioner. When the petitioner was in custody much before the date of recovery from both the said co-accused, it is debatable whether the intoxicant powder was purchased by them from the petitioner or not. There is no other statement/evidence against the petitioner to that extent. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

24th September, 2015
mamta

(INDERJIT SINGH)
JUDGE