

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

CRM-M-2462-2015 (O&M)
Date of decision : 18.02.2015

Baljinder Singh @ Bikker

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Roop Singh.

JITENDRA CHAUHAN, J.

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.165 dated 28.06.2013, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Patran, Distt. Patiala.

It is contended that as per the FIR, allegedly 56 kgs. of poppy husk (wrongly reflected as 55 kgs. in the petition) has been recovered, which is marginally above than the non-commercial quantity. The weight of the two bags has also been counted towards the quantity. The petitioner is in custody since 28.06.2013. He further

states that the petitioner was earlier falsely implicated in another FIR, in which he is on bail.

On the other hand, the learned State counsel vehemently opposes the bail petition and states that the petitioner is a habitual offender.

Heard.

The petitioner is in custody since 28.06.2013. The question whether the quantity is commercial or otherwise, will remain a moot point at the time of the trial. Though, the challan stands presented, but only three out of fourteen prosecution witnesses have been examined so far, therefore, the trial is not likely to be concluded in the near future.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

18.02.2015
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(JITENDRA CHAUHAN)
JUDGE