

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

CRM No.M-26670 of 2015

Date of decision: 17.08.2015

Saroopdan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Sekhon, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Balraj Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.126, dated 02.09.2013, registered under Section 18 of NDPS Act, at Police Station Sadar, Kotakpura.

Learned counsel for the petitioner contends that the petitioner who is old man of 81 years was travelling along with wife from his native village in Rajasthan to Dargah Baba Sekh Farid at Faridkot, to pay obeisance. He had an altercation with the railway police authority who have falsely implicated him in the present case. He further states that the quantity allegedly recovered from the petitioner is non commercial quantity as the weight of containers has also been included. The petitioner is in custody since 02.09.2013.

On the other hand, the learned State counsel opposes the prayer of bail and states that 2 kg and 800 grams opium was recovered from the possession of the petitioner, which is a commercial quantity. The challan stands presented; charges have been framed; out of total 14 witnesses, five have been examined so far. He further states that the whole story with regard to false implication is concocted by the petitioner. In fact, he was arrested at the naka laid by the police at Kotakpura.

I have heard learned counsel for the parties and perused the record.

It is debatable as to whether the quantity is commercial or otherwise. Keeping in view the age of the petitioner and the fact that out of total 14 witnesses, only five have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, 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, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

17.08.2015

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(JITENDRA CHAUHAN)
JUDGE