

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.28734 of 2015

Date of Decision:-29.09.2015

Anil Gill.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Mandeep Kaur, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
along with HC Surjit Singh.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner Anil Gill in case FIR No.90 dated 19.08.2014 for offences punishable under Sections 21, 22, 25, 61 & 85 of the NDPS Act registered with Police Station Fattu Dyinga, District Kapurthala.

As per the allegations, on the disclosure statement of co-accused Onkar Singh, the name of the petitioner surfaced in the aforesaid FIR and thereafter on conducting of a raid and his arrest, disclosure statement was made leading to the recovery of 100 grams of intoxicating powder, which as per chemical examination report has been found to be containing Alpazoram.

Learned Counsel for the petitioner states that the alleged

recovery is of non commercial nature. Petitioner is stated to be in custody since 19.08.2014. Learned Counsel further states that after completion of investigation challan has been presented.

Learned State Counsel on instructions from HC Surjit Singh is unable to controvert the facts of quantity being non commercial and that the investigation is over and there is no other case under the NDPS Act pending against the petitioner.

Without commenting upon the merits of the case, keeping in view the above and the fact that conclusion of trial is likely to take sometime, no useful purpose is going to be served by keeping the petitioner behind the bars. As such the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Kapurthala.

**(JASWANT SINGH)
JUDGE**

September 29, 2015
Vinay