

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

CRM No.M-29838 of 2015

Date of decision: 15.09.2015

Kulwinder Singh @ Sheru

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

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.127, dated 02.06.2015, registered under Section 18 of NDPS Act, at Police Station Division No.8, Jalandhar.

It is contended that the petitioner was not arrested from the spot. Subsequently, on the basis of disclosure statement of co-accused Rohit Sharma, the petitioner has been falsely implicated in the present case. The quantity allegedly recovered from the petitioner is non commercial quantity. Moreover, the co-accused of the petitioner, namely Ravi Pandey has already been granted the concession of regular bail by this Court, by virtue of order dated

28.08.2015. The petitioner is in custody since 02.06.2015.

On the other hand, the learned State counsel opposes the prayer of bail and states that 400 gms of opium was recovered from the possession of the petitioner. The investigation is still under progress.

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

It is debatable as to whether the quantity is commercial or otherwise. The trial is yet to commence and 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 CJM, concerned.

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

15.09.2015

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(JITENDRA CHAUHAN)
JUDGE