

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

(206)

CRM-M-31962-2015

Decided on: December 11, 2015.

Harjinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Amit Arora, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

For having been found in possession of 260 grams of powder containing diacetylmorphine, the petitioner has been in custody for last more than 9 months.

Petitioner had been granted interim bail from 07.11.2014 to 06.07.2015 for want of report of Forensic Science Laboratory.

The bail application has been opposed inter alia on the ground that the petitioner is involved in two other cases under NDPS Act, one case of assault and one case of theft.

Taking into consideration the marginal higher quantity than the commercial quantity prescribed (260 grams) and the period of detention suffered by the petitioner, he can be granted concession of bail but on account of previous conduct of the petitioner, the petition has to be allowed by imposing a condition permissible under Section 437 (3) Cr.P.C.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the

trial Court subject to the condition that the petitioner will not commit any similar offence of which he is accused/suspected of during pendency of the trial.

In case of any such activity, this order will be deemed to have been automatically cancelled.

(M.M.S. BEDI)
JUDGE

December 11, 2015
harsha