

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-35807-2015
Date of decision: 29.10.2015

Gurmukh Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.K.K.Goel, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.92 dated 10.5.2015 registered under Sections 27, 61 and 85 of the NDPS Act and Section 61 of the Punjab Excise Act at Police Station Division No.7 (Vardhman), District Ludhiana City.

Learned counsel for the petitioner submits that petitioner is inside the jail for the last more than five months. He further submits that since the report under Section 173 (2) Cr.P.C. has been just presented to the court, conclusion of trial will take time. The recovery from the petitioner is only of 150 gms of intoxicants, report whereof is yet to be received. He prays for allowing the present petition.

Learned counsel for the State, on instructions from HC Bhupinder Singh, Police Station Division No.7, Ludhiana, submits that since it is yet to be ascertained as to whether the recovered quantity is commercial or non-commercial after receipt of FSL report and statutory period is yet to expire, petitioner is not entitled for bail pending trial. He prays for dismissal of the instant petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said, because report under Section 173 (2) Cr.P.C. has been just presented to the court in the recent past, charges have not been framed as yet and conclusion of trial will take time.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, the present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

29.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE