

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

CRM-M-36509-2014 (O&M)

Date of decision : 16.02.2015

Gurtej Singh @ Ajay

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Beant Singh, Advocate,
for Mr. B.S. Bhalla, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Harmesh Lal.

JITENDRA CHAUHAN, J.

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in case FIR No.203 dated 05.11.2013, under Section 20/21 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station City, Moga.

It is contended that the petitioner was not arrested from the spot. Even otherwise, the alleged recovery is non-commercial. The petitioner has earlier been falsely implicated in three more FIRs, however, he stands acquitted therein. He is in custody since 15.04.2014.

On the other hand, the learned State counsel, on instructions, submits that the petitioner is involved in other FIRs as well. Upon presentation of the challan and framing of charges, the trial is in progress and one out of thirteen prosecution witnesses already stands examined.

Heard.

Considering the fact that the petitioner was not arrested from the spot, the alleged recovery falls under the category of non-commercial quantity, the petitioner in in custody since 15.04.2014 and only one out of thirteen prosecution witnesses stands examined, thus, the trial is not likely to be concluded in the near future, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

16.02.2015

atulsethi

(JITENDRA CHAUHAN)
JUDGE