

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

**C.R.M-M No.39512 of 2014
Date of Decision : 09.01.2015**

Balwinder Singh @ Kandu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.P. Dhir, Advocate
for the petitioner.

Ms. A.P.S. Gill, A.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.208 dated 31.07.2013 registered under Sections 22, 61, 85 of the N.D.P.S. Act at Police Station Basti Jodhewal, Ludhiana.

Learned counsel for the petitioner has argued that apart from the merits of the case the fact is that the recovery was of 55 gm of intoxicating powder which is marginally beyond the commercial quantity.

He has relied upon the judgment dated 20.05.2013 passed in CRM-M No. 12299 of 2013, where 60 kg of poppy husk was recovered from the accused and he was released on bail after 7 months. He has further argued that the petitioner has now been in custody for the last 1 year.

Learned Assistant Advocate General has accepted the fact that the petitioner has undergone 1 year of imprisonment.

Keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of CJM/Duty Magistrate, Ludhiana.

Ordered accordingly.

Petition stands disposed of.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

January 09, 2015

ashish

**(AJAY TEWARI)
JUDGE**