

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

CRM No.M-4250 of 2015 (O&M)

Date of decision:05.05.2015

Harwinder Singh @ Hinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Loveleen Dhaliwal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks the benefit of regular bail pending trial in case FIR No.20 dated 03.02.2014, under Section 22/61/85 of the NDPS Act, registered at Police Station Division No.2, District Ludhiana.

Counsel for the parties have been heard.

The alleged recovery from the petitioner is 260 grams of smack.

Counsel has referred to the deposition of PW4, ASI Hazoor Lal, who was the officiating SHO at the relevant point of time and who has stated that upon recovery having been effected, the sealed parcel was weighing 260 grams including the weight of plastic polythene and the cloth in which the contraband was wrapped and the weight of the polythene used for packing of the recovered material could be 15 grams.

The alleged recovery from the present petitioner as such is marginally over and above the commercial quantity.

Petitioner has been in custody since 03.02.2014.

Learned State counsel, upon instructions from ASI Kuldeep

Singh would submit that the trial is still at the initial stage inasmuch as out of 14 prosecution witness cited only 4 have been examined till date. Petitioner is stated to be not involved in any other proceedings under the NDPS Act.

Without making any observations on merit, petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Ludhiana.

Disposed of.

05.05.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**