

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-6370 of 2015 (O&M)
Date of Decision: 28.05.2015

Harnek Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the 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?*

Present: Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Gazi Mohd., AAG, Punjab
for the State.

R.P. Nagrath, J. (Oral)

This petition under Section 439 Cr.P.C. has been filed by the petitioner for grant of regular bail in case FIR No.14 dated 24.02.2014 under Section 22 the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Maloud, District Ludhiana.

I have heard learned counsel for the petitioner and learned State counsel and also perused the paper book.

The allegation against the petitioner is that on 24.02.2014 when the petitioner was apprehended 55 gms. of intoxicant powder was recovered. The contents of the sample were found to be

Diphenoxylate Hydrochloride 2.6%. Learned counsel for the petitioner submits that recovery effected from the petitioner is marginally above the commercial quantity as per Entry No.44 of the Schedule to the NDPS Act. It is submitted that as per prosecution version the quantity was kept in a bulky envelop weight of which should have been taken into consideration. The FIR was registered more than one year ago and still it would take a long time in disposal of the challan.

When the matter was listed on 17.03.2015, the trial Court was directed to expedite the recording of evidence and send the status report. The trial Court has intimated that two witnesses were so far examined and the case was fixed for rest of the evidence.

In view of the above and without commenting on the merits of the case, keeping in view the fact that the trial will take time in its conclusion, the instant petition is allowed and petitioner-Harnek Singh be admitted to bail on furnishing bail bonds to the satisfaction of trial Court.

28.05.2015
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(R.P. Nagrath)
Judge