

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

Criminal Misc. No.M-10707 of 2016
Date of Decision: 06.04.2016

Sandeep Rana

....Petitioner(s)

Versus

State of Punjab

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Madan Lal Saini, Advocate for the petitioner(s)

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

This is a second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail to the petitioner in case FIR No.1, dated 01.01.2015, under Sections 22 of the *Narcotic Drugs & Psychotropic Substances Act, 1985* (for brevity “the Act”), registered at Police Station, Nurpurbedi, Distt. Roopnagar.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession of 55 grams of intoxicating powder. The alleged recovery is marginally higher than the non-commercial quantity. He further submits that apart from the fact that the petitioner remained in custody for a period of 09 months and 28 days till date, there is no other case against him and trial is not going to be concluded in the near future.

Learned counsel for the petitioner further relies upon a judgment of this Court passed in Crl. Misc. No.M-39534 of 2015 titled as **"Hardeep Singh alias Deepa Vs. State of Punjab,** wherein under similar circumstances, the accused was granted regular bail by this Court vide order dated 17.12.2015.

Learned counsel for the State has filed the custody certificate of the petitioner, which is taken on record. He, on instructions from Head Constable-Satwant Singh, does not dispute the abovesaid fact and also submits that out of total 10 witnesses cited by the prosecution, 02 witnesses have been examined and 03 have been given up and efforts are being made to complete the evidence.

I have heard learned counsel for the parties.

Taking into consideration the fact that the alleged recovery is marginally higher than the non-commercial quantity, coupled with the fact that the petitioner remained in custody for a period of 09 months and 28 days and there is no other case against him as well as the fact that trial will take sufficient long time, petitioner is admitted to regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

Petition stands disposed of.

06.04.2016
'Anjal'

(HARI PAL VERMA)
JUDGE