

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

CRM-M-16012 of 2016 (O&M)

Date of decision: 18.10.2016

Gurdeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. N.S. Dandiwal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

\*\*\*\*

**Jitendra Chauhan, J. (Oral)**

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 267 dated 18.12.2014, registered under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station City Moga, District Moga.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. Allegedly 105 gm of intoxicant powder was recovered from the petitioner which is marginally higher than the non commercial quantity. The petitioner is behind the bars for 08 months.

On the other hand, learned State counsel opposes the bail application and states that the contraband allegedly recovered from

the petitioner is of commercial quantity

I have heard learned counsel for the parties and perused the record.

It is debatable whether the quantity is commercial or otherwise. Considering the fact that the challan stands presented; out of total 13 PWs, only 02 PWs have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

18.10.2016  
*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |