

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

CRM-M No.18468 of 2016 (O&M)

Date of Decision: 31.05.2016

Charanjit Singh @ Chana

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Sarika Gupta, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Major Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-accused Charanjit Singh @ Chana in case FIR No.53 dated 26.05.2015, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Rahon, District SBS Nagar **(Annexure P-1)**.

The petitioner was apprehended and recovery of 260 grams of intoxicating powder was effected. As per the FSL report, it contains *Diacetylmorphine* and thus the quantity being more than 250 grams is commercial in nature.

It is contended that the alleged recovery is marginally commercial and the petitioner is not involved in any other criminal case.

The petitioner is stated to be in custody since 26.05.2015 and only 03 out of 13 prosecution witnesses have since been examined

Learned State Counsel, assisted by HC Major Singh, does not dispute the quantity being marginally commercial, non-involvement of the petitioner in any other case, as also the stage of the trial.

Without commenting on the merits of the case, keeping in view the custody period; the quantity being marginal commercial in nature, non-involvement of the petitioner in any other criminal case and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 31, 2016

Gagan

**(JASWANT SINGH)
JUDGE**