

CRM-M No. 18832 of 2016

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

CRM-M No. 18832 of 2016
Date of decision : August 12, 2016

Gurjant Singh @ Janti

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. HPS Ishar, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.92, dated 16.12.2014, registered under Sections 18, 22 of the NDPS Act, at Police Station Jaurkian, District Mansa.

In the prevision petition filed by the petitioner bearing CRM-M No.40956 of 2015, the following order was passed on 22.1.2016:-

“The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.92 dated 16.12.2014, under Sections 18, 22 of the Narcotic

Drugs and Psychotropic Substances Act, registered with Police Station Jaurkian, District Mansa (**Annexure P-1**).

The petitioner was apprehended and a recovery of 400 grams of *Opium* and 15 vials of Rexcof was made from him, which quantity is admittedly commercial in nature.

Learned Counsel for the petitioner submits that the petitioner is in custody since 16.12.2014 and the prosecution evidence is yet to commence. He further submits that the petitioner is not involved in any other case.

Due to the commercial nature of the seized contraband, no case for grant of regular bail is made out. However, the prosecution is directed to complete its entire evidence within three months from today. Failing which, the petitioner shall be entitled to grant of regular bail, provided that he is not responsible for delaying the conclusion of the prosecution evidence.

Disposed of in the above terms.”

After expiry of three months, the petitioner moved another application before the trial Court, which has been declined on 6.5.2016 with the following observations :-

“ Perusal of file reveals that the prosecution has already concluded its evidence on 22.03.2016. Although prosecution has moved application u/s 311 Cr.P.C which is not disposed of so far, rather the case is fixed for filing reply and consideration on the application u/s 311 Cr.P.C. In these circumstances, the prosecution has already closed its evidence in compliance with the order of Hon'ble High Court. Hence, I do not find merit in the present application for bail and same is hereby dismissed. Present bail application be attached with main file.”

Learned Addl. AG Punjab is not in a position to justify the

In these circumstances, keeping in view the order dated 22.1.2016, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court.

Petition stands disposed of.

August 12, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No