IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-2075 of 2016 (O&M)
Date of Decision: 02.05.2016

Jujhar Singh @ Jari ... Petitioner

Versus

State of Punjab ... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.B.S. Gill, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.93 dated 27.05.2015, under Section 21 of the NDPS Act, registered at Police Station City S.B.S. Nagar, District S.B.S. Nagar.

Counsel for the parties have been heard.

As per prosecution version, the alleged recovery effected from the petitioner is 255 grams of heroin. The same would be construed as marginally over and above the commercial quantity.

Even though, prayer in the present petitioner was opposed by learned State counsel on the ground that the petitioner is a habitual offender but it has gone uncontroverted that in two separate FIRs i.e. FIR No.35 dated 31.01.2013 and FIR No.38 dated 12.04.2011, the petitioner already stands acquitted. Petitioner stands convicted in FIR No.15 dated 23.02.2010 in a case where the recovery effected was of 10 kgs. of poppy husk.

Petitioner was arrested in the present case on 27.05.2015. Investigation having been completed, challan has been presented and the charges have been framed.

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Learned State counsel upon instructions from ASI Manjit Singh would apprise the Court that out of 10 prosecution witnesses cited, the examination-in-chief of 3 prosecution witnesses has been recorded. The trial, as such, would take time to conclude.

Without making any observations on merits and keeping in view the length of incarceration already suffered, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, S.B.S. Nagar.

Disposed of.

02.05.2016 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

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