

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

CRM -M-24530 of 2016 (O&M)

Date of decision: 07.10.2016

Jagpal Singh @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kulwant Singh, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Mohan Lal.

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. 105 dated 21.06.2014, registered under Sections 15 & 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Machhiwara, District Ludhiana.

It is contended that allegedly 2.5 kgs of opium was recorded from the car being driven by him. The petitioner is not the owner of the car. The quantity allegedly recovered from the petitioner is non commercial quantity. The petitioner is not involved in any other FIR under NDPS Act and he is in custody since 21.06.2014.

On the other hand, the learned State counsel opposes the prayer made and states that the recovery was effected from the vehicle driven by the petitioner.

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

It is debatable as to whether the quantity is commercial or otherwise. Considering the fact that the petitioner is in custody since 21.06.2014; out of total 10 PWs, only 07 PWs have been examined so far, therefore, it can be safely inferred that the conclusion of trial will take a long time, 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.

07.10.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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