

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

CRM-M-24914 of 2016 (O&M)
Date of decision : 29.07.2016

Davinder Singh Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manish Prabhaker, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Major Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.2 dated 05.01.2015, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), at Police Station Sadar, District Amritsar.

Contends that on the date of recovery, the petitioner had been lodged in the Central Jail, Amritsar in FIR No.11 dated 17.01.2015. The petitioner was brought on production warrant in the present case. He is not named in the present FIR.

On the other hand, the learned State counsel submits that during the course of investigation statement of Lovepreet Singh was

recorded to the extent that the alleged contraband were purchased from the petitioner. He states that challan has been filed; charges have been framed; and out 12 prosecution witnesses, none has been examined so far.

Heard.

Considering the fact that no recovery was effected from the conscious possession of the petitioner; challan stands presented; charges have been framed; and none of the 12 prosecution witnesses has been examined so far, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/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.

29.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No