

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

CRM-M-26981 of 2016 (O&M)
Date of decision : 11.8.2016.

Toti Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Maninder Kaur, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Amrik 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.16 dated 11.04.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Jhunir, District Mansa.

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She submits that the petitioner is in custody since 11.04.2016 and not involved in any other case under NDPS Act, which fact is not disputed by the learned State counsel. Lastly, she states that the quantity allegedly recovered from the possession of the petitioner is non-commercial.

On the other hand, the learned State counsel states that challan has been filed and charges have been framed. He further submits that recovery in question was effected from the conscious possession of the petitioner and no PWs has been examined so far.

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

In view of the facts that the petitioner is not involved in any other case under NDPS Act; he is in custody since 11.04.2016; the alleged quantity is non-commercial; no prosecution witnesses has been examined so far; and challan stands presented, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

11.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No