

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-27586 of 2016

Date of Decision: 26.08.2016

Partap Singh @ Takaua

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Monica Chawla, Advocate
for the petitioner.

Mr. VPS Sidhu, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.243 dated 25.10.2014 under Sections 21 and 22 of the NDPS Act registered at Police Station Gharinda, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner contends that the alleged recovery made from the petitioner is 55 grams intoxicated powder and the said quantity is marginally above the commercial quantity. She has submitted that the petitioner was arrested on 25.10.2014 and was released in interim bail on 14.11.2014. However, on receipt of the FSL report, he

was again taken into custody on 16.5.2016 and thus, he is in custody since 16.5.2016.

Learned State counsel, on instructions from ASI Maninderjit Singh, does not dispute the custody period of the petitioner.

I have heard learned counsel for the parties.

Admittedly, the alleged recovery made from the petitioner is marginally above the commercial quantity. Therefore, considering the fact that petitioner is custody since 16.5.2016 and the trial will take sufficiently long time, no useful purpose would be served to keep the petitioner in custody. Accordingly, the present petition is allowed. The petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

August 26, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No