

CRM-M-31414-2016

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

CRM-M-31414-2016

Date of Decision: 30.11.2016

Sukhjinder Singh @ Bitta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rj Kumar Gupta, Advocate,
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner, Sukhjinder Singh @ Bitta has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.47 dated 01.06.2015, registered at Police Station Mukandpur, District SBS, Nagar, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that recovery of 53 grams of

Diphenoxylate Hydrochloride, intoxicant substance, has been effected from

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the present petitioner. The commercial quantity of this salt is 51 grams i.e. more than 50 grams and only 53 grams have been stated to be recovered from the present petitioner. Perusal of the police file nowhere shows that the salt was measured with digital scale and it is possible that there may be difference of 2/3 grams while measuring the salt and recovery in such circumstances may not be commercial quantity.

The petitioner has been in custody since March, 2016. He is now not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

30.11.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No