

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-31433 of 2016

Date of Decision: 14.09.2016

Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Ramesh Sharma, Advocate for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.229, dated 13.08.2016 for offence under Section 21 of the NDPS Act, 1959, registered at Police Station, City Kapurthala, District-Kapurthala.

Learned counsel for the petitioner contends that the petitioner is in custody since 07.06.2016 and the allegation against him is of recovery of 55 grams of *diphenoxylate hydrochloride*, which is marginally higher than the commercial quantity. He further submits that the co-accused of the petitioner, namely, Gurdev Singh, was already admitted on regular bail by this Court vide order dated 11.08.2016 passed in CRM-M-27066 of 2016, titled as **“Gurdev Singh Vs. State of Punjab”** and there is no case against the petitioner except the present one.

Learned counsel for the State has filed the custody certificate of the petitioner in Court today which is taken on record. He on instructions from ASI-Harjit Singh, does not dispute the custody of the petitioner.

However, he submits as the case of the petitioner falls in the category of

commerical quantity, he does ot deserve the concession of bail.

I have heard learned counsel for the parties.

Keeping in view the fact that co-accused of the petitioner has already been admitted on bail by this Court, coupled with the fact that the petitioner is in custody since 07.06.2016 and trial in the case will take sufficient long time to conclude, I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made here-in-above shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

14.09.2016
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No