

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

CRM-M-34291 of 2016
Date of Decision:20.10.2016

HARDEEP SINGH@RAJA

....Petitioner

Versus

STATE OF PUNJAB

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...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. S.S. Narula, Advocate
for the petitioner.

Mr. Neeraj Sharma, AAG, Punjab.

SNEH PRASHAR, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 47 dated 25.08.2014, under Sections 21/22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Kabirpur (Ahlikalan), District Kapurthala.

Learned State counsel has filed custody certificate of the petitioner in Court. The same is taken on record.

The allegation against the petitioner is that 35 grams of heroin and 115 grams of intoxicant powder which came out to be Alprazolam and is marginally higher than the commercial quantity i.e. 100 grams, was recovered from him. He was initially arrested by the

police but was given the benefit of interim bail awaiting report of the Forensic Science Laboratory. After the report arrived, he surrendered and he is in custody since 17.06.2015.

Learned State counsel submitted that there are 11 witnesses in total out of whom three have been examined but cross examination of the Investigating Officer is still to be recorded.

Heard the submissions made by Mr. S.S. Narula, Advocate representing the petitioner and Mr. Neeraj Sharma, AAG, Punjab representing the State.

Although, the recovery of the Narcotic Drug namely, Alprazolam is marginally higher than the commercial quantity but the petitioner is in custody for the last more than 15 months. Considering the facts and circumstances of the case and the fact that the trial is still likely to take some time whereas there appears no plausible ground to detain the petitioner in custody, without expressing any opinion on merits of the case, the present petition is allowed and the petitioner is released on regular bail during the pendency of the trial subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

(SNEH PRASHAR)
JUDGE

October 20, 2016
rashmi

Whether speaking/reasoned? Yes

Whether reportable? No