

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M- 34970 of 2016
Date of Decision:-05.10.2016

Bhupinder Singh @ Bhinda

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.D.S. Gandhi, Advocate for
Mr.Rahul Singh, 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.147, dated 26.06.2014, for offence under Section 22 of the NDPS Act, 1985, registered at Police Station Bhikhiwind, Distt. Tarn Taran, during the pendency of trial.

Learned counsel for the petitioner contends that the petitioner is in custody since 03.11.2015 and the recovery effected from the petitioner is 110 grams intoxicant powder i.e. *alprazolam*, which is slightly higher than the commercial quantity. He further submits that there is no other case against the petitioner except the present one.

Learned counsel for the State has filed the custody certificate of the petitioner and does not dispute the aforesaid facts. However, he on

instructions from ASI-Chanan Singh, submits that as against total nine witnesses cited by the prosecution, only one has been examined so far. Custody certificate is taken on record.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 03.11.2015 and the alleged recovery is slightly higher than the commercial quantity, coupled with the fact that there is no other case against the petitioner except the present one 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, present petition is accepted and the petitioner is ordered to be released on regular bail, subject to their 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 merit 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

05.10.2016
Anjal

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No