

CRM-M No. 35078 of 2016

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

CRM-M No. 35078 of 2016
Date of decision : November 22, 2016

Balbir Dass

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. KS Panu, DAG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.138, dated 21.12.2015, registered under Sections 18, 21, 29, 61, 85 of the NDPS Act, at Police Station Rahon, District SBS Nagar.

Counsel for the petitioner has argued that apart from the merits of the case, the petitioner has now been in custody for 11 months; the recovery is 260 grams of heroine which is marginally above the commercial quantity and, therefore, should be released on bail.

Custody certificate has been filed. Counsel for the respondent states that as per the custody certificate there are more convictions against the petitioner under the NDPS Act and keeping in view the nature of the offence, instead of releasing the petitioner on bail, it would be appropriate to put a time cap on the trial. He has stated that the prosecution will lead its entire evidence on or before 28.2.2017 subject to the accused not obstructing the same.

Keeping in view the statement of counsel for the respondent, I dismiss this petition at this stage but direct the trial Court to release the petitioner on bail in case the prosecution fails to conclude the evidence on or before 28.2.2017 subject to the accused not obstructing the same.

Copy of this order be sent to the SSP SBS Nagar forthwith.

November 22, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No