

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

**Criminal Misc. No. M-35189 of 2016
Date of Decision:-07.12.2016**

Harwinder Singh alias Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail during pendency of trial to the petitioner in case FIR No. 57 dated 15.4.2016, under Section 22/61/85 of NDPS Act, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner states that the recovery of 200 grams of intoxicant powder was never effected from the possession of the petitioner. Petitioner is in custody since 15.4.2016. He states that trial will take long time as the case is fixed for prosecution evidence.

Learned State counsel on instructions from ASI Harpal Singh states that on seeing the police party, the petitioner had thrown the

contraband and in these circumstances the contraband could not be recovered from his personal possession. However, challan in the case has been presented and now the case is fixed for 20.12.2016 for prosecution evidence.

I have heard learned counsel for the parties.

Considering the fact that recovery of contraband was not effected from the personal possession of the petitioner and trial in the case will take sufficient time and there is no other case under the NDPS Act against the petitioner, the present petition is accepted. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the trial Court.

December 07, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No