

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-37198 of 2016

Date of Decision: 25.10.2016

Gurminderpal Singh @ Mani

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Ms. Navdeep, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.32 dated 7.5.2015 under Section 22 NDPS Act registered at Police Station Nurmahal, Jalandhar City.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession of 110 grams of intoxicant powder and on chemical analysis thereof, it was found to be Alprazolam, which is marginally higher than the commercial quantity. She further submits that the petitioner also remained in custody from 8.5.2015 to 8.12.2015 and vide order dated 7.12.2015, he was granted interim bail, as the report of the Chemical Examiner was not received. However, on

receipt of the report of the Chemical Examiner, the petitioner was again taken in custody and now, he is in custody since 21.7.2016. She further submits that since trial in the case will take long time, petitioner be released on bail.

On the other hand, learned State counsel, on instructions from ASI Surjit Singh, does not dispute the custody period of the petitioner. He further submits that as against the total 10 witnesses, cited by the prosecution, two witnesses have been examined.

I have heard learned counsel for the parties.

Considering the fact that the alleged recovery made from the petitioner is 110 grams of intoxicant power (Alprazolam), which is marginally higher than the commercial quantity and he has remained in custody for more than 10 months, coupled with the fact that as against the total 10 witnesses cited by the prosecution, only two witnesses have been examined so far and thus, the trial will take long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 25, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No