

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-37852 of 2016

Date of Decision: 10.11.2016

Gurdeep Singh @ Deepa

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. B.S. Toor, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

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.39 dated 28.2.2016 under Section 15 of the NDPS Act registered at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner contends that the allegation against the petitioner is that 80 kgs. of poppy husk was recovered from him, but in fact it is 55 kgs.of poppy husk, as the same was recovered from the petitioner along with his co-accused namely Salamat Khan@ Miyan son of Tahir Khan. He submits that the alleged quantity of the contraband recovered is marginally higher than the commercial quantity and there is no other case pending against the petitioner except the present one. Therefore, the petitioner who is in custody since 28.2.2016 and trial in the case will take long time, be released on regular bail.

Learned State counsel, on instructions from HC Dilbagh Rai,

submits that in fact, the total recovery made from the petitioner and his co-

accused is 80 kgs. of poppy husk, whereas 30 kgs. was recovered from the joint possession of the petitioner and his co-accused Salamat Khan and 25 kgs. was recovered on the disclosure statement made by the petitioner and another 25 kgs was recovered on the disclosure statement of Salamat Khan.

I have heard learned counsel for the parties.

Considering the alleged recovery made from the petitioner, which is marginally higher than the commercial quantity and the fact that no other case has been pointed out against the petitioner, coupled with the fact that the petitioner is in custody since 28.2.2016 and the trial in the case will take sufficiently 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.

However, it is made clear that in case the petitioner is found indulged in any other case under NDPS Act, the prosecution will be at liberty to seek cancellation of his bail

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

November 10, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No