

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

CRM-M-38065-2016

Date of decision : 11.11.2016

Varinder Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. A.K.Khurana, Addl. A.G., Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.107 dated 25.05.2015 registered under Sections 20/61/85 of NDPS Act at Police Station-GRP Ludhiana, District Ludhiana.

As per the allegations 10 Kg charas was recovered.

Learned counsel for the petitioner argued that as per FSL report quantity of resin was 22.62% and whereas to be classified as charas must have 25% resin. As per him in these circumstances the alleged recovery is

only to be classified as ganja and if that is so it would become a case of non-commercial quantity and the petitioner has already undergone more than one and a half year of custody.

Learned Addl. A.G., Punjab on instructions from ASI Jaspal Singh has accepted these factual assertions but does not admit that recovery can be treated as ganja. She further states that prosecution evidence is almost over and undertakes that the prosecution will lead its entire evidence on or before 12.12.2016 subject to the accused not obstructing the same.

I find this to be a fair submission. Consequently, even while dismissing this petition, the Trial Court is directed to release the petitioner on bail in case the prosecution fails to conclude the evidence on or before 12.12.2016 subject to the accused not obstructing the same.

November 11, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No