

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRL. MISC. No.M-38089 OF 2016 (O&M)
DATE OF DECISION : 30th NOVEMBER, 2016

Om Parkash

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Ravi K. Mattoo, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.72 dated 14.06.2012, registered under Section 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that since the applicant-appellant has undergone sentence of more than four years, therefore, he fulfills the conditions laid down in the case of ***Daler Singh Vs. State of Punjab, 2007 (1) RCR (Crl.) 316***. He further submits that the co-accused has already been granted bail by this Court vide order dated 18.10.2016.

Heard learned counsel for the rival parties.

The petitioner was arrested on 14.06.2012 and is in jail since then pending trial. Obviously, the period of more than four years has elapsed from the date of his arrest.

In that view of the matter, I think though the petitioner was allegedly found in possession of 10 kilograms of opium, a commercial quantity, the factum of his being in custody for the last more than four years entitles him to grant of bail as per the ratio of law laid down in the case of *Daler Singh (Supra)*. Hence, the petition is allowed.

Bail to the satisfaction of the concerned CJM/Duty Magistrate.

30th NOVEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No