

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40570-2016 (O&M)

Date of decision: 09.12.2016

Sukha Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Pawan Kumar.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.68 dated 06.09.2016, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Talwandi Chaudhrian, Distt. Kapurthala.

Learned counsel contends that the quantity allegedly recovered in this case is 'non-commercial' as the weight of the plastic bag has also been included. He is in custody since 06.09.2016.

On the other hand, learned State counsel submits that the recovery is commercial in nature. The petitioner is involved in two more cases. The challan is yet to be presented.

Heard.

The petitioner is in custody since 06.09.2016. Whether the contraband allegedly recovered falls under the category of commercial quantity or otherwise, shall remain a moot point before the Hon'ble Court. As

regards the other cases wherein the petitioner is involved, he has already undergone the entire sentence in one case, whereas, he is on bail in the second case.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate and an affidavit that he will not commit any such offence.

Anything said herein above shall not be construed as an expression of opinion of the Court on the merits of the case.

09.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No