

214.

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

CRM-M-41266-2016

Date of decision:23.11.2016

Joginder Kumar @ Joga

... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Bhanu Pratap Singh, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.128 dated 23.05.2014 under Section 22 of NDPS Act, registered at Police Station City Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the allegation against the petitioner is recovery of 60 grams of intoxicating powder (diphenoxylate hydrochloride) which is marginally higher than the commercial quantity. He states that petitioner is in custody since 23.05.2014 and till today, no prosecution witness has been examined.

Learned State counsel, on instruction from HC Ranjit Singh, does not dispute the alleged recovery and states that no prosecution witness has been examined and the case is now fixed for 14.12.2016 for prosecution evidence.

Heard, learned counsel for the parties.

The alleged recovery is of 60 grams of intoxicating powder (diphenoxylate hydrochloride) which is marginally higher than the commercial quantity. No prosecution witness in the case has been examined. The petitioner is in custody since 23.05.2014 and the trial in the case will take sufficient long time.

Accordingly, without making any observations on the merits of the case, but taking into consideration the alleged recovery of 60 grams of intoxicating powder (diphenoxylate hydrochloride), coupled with the fact that the trial in the case will take long time, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing of 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 of similar nature, the prosecution will be at liberty to seek cancellation of bail of the petitioner.

(HARI PAL VERMA)
JUDGE

23.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.