

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

***CRM No.M-42029 of 2015 (O&M)
Date of decision : 31.03.2016***

Sukhwinder Singh @ Sukha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. D.S. Virk, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.117 dated 24.08.2013, under Sections 15/25/61/85 of the NDPS Act, registered at Police Station Sidhwan Bet, District Ludhiana Rural.

As per prosecution version, the alleged recovery effected from the petitioner is of 56 Kgs. of poppy husk.

Petitioner was arrested on 26.08.2013 and investigation having been completed, challan was presented and charges were framed on 02.05.2014.

Learned State counsel would apprise the Court that the trial is now held up solely for the reason that the statement of one of the official prosecution witness i.e. HC Sanjeev Kumar is yet to be recorded. In this regard, it is informed that HC Sanjeev Kumar has since been dismissed from service and as such, he is not appearing before the trial Court in spite of bailable warrants having been issued.

Without making any observations on merits, keeping in view the length of incarceration already suffered by the petitioner and the alleged recovery being marginally over and above the commercial quantity, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Disposed of.

31.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**