

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

CRM-M-43726-2016 (O&M)

Date of decision: 12.12.2016

Surjit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashok Giri, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Anil 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.60 dated 07.05.2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Kartarpur, Distt. Jaladhar.

Learned counsel contends that the quantity allegedly recovered in this case is 'non-commercial' as the weight of the polythene bag has also been included. The petitioner has been in custody for 08 months and 10 days. Earlier also, the petitioner was implicated in a false case, wherein, he has been released on bail.

On the other hand, learned State counsel submits that the recovery is commercial in nature. The petitioner is involved in one more case.

Heard.

The petitioner has been in custody for 08 months and 10 days.

Whether the contraband allegedly recovered falls under the category of commercial quantity or otherwise, shall remain a moot point before the trial Court. As regards the other cases wherein the petitioner is involved, he has already been released on bail therein.

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.

12.12.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No