

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

**CRM-M No.44041 of 2015 (O&M)
Date of Decision: 28.01.2016**

Ashok Kumar

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurinderjit Singh, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Jalandhar Singh.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.58 dated 20.06.2015, under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Sadar Abohar, District Fazilka (**Annexure P-1**).

There is alleged recovery of 255 grams of *Heroin* from the pocket of the petitioner.

Learned Counsel for the petitioner submits that a false case has been planted upon the petitioner, otherwise petitioner is not involved in any other criminal case. He further submits that the quantity more than 250 grams of *Heroin* is commercial in nature and, therefore, the alleged recovery is marginally higher. He further submits that the petitioner is in custody since 20.06.2015 and the investigation qua the petitioner is over.

Learned State Counsel, assisted by ASI Jalandhar Singh, does not refute the custody period and submits that challan is yet to be submitted.

Without commenting on the merits of the case, keeping in view the custody period; the quantity being marginal commercial in nature and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Fazilka.

Disposed of.

January 28, 2016

Gagan

**(JASWANT SINGH)
JUDGE**