

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

CRM-M-6699 of 2016.
Decided on:-03.03.2016.

Gaurav Sharma.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Brahminder Singh Toor, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

This is third petition under Section 439 Cr.P.C. filed by petitioner Gaurav Sharma son of Tarsem Lal Sharma, resident of Basant City, Flat A-2, Lee Palm, Pakhowal Road, Ludhiana for grant of regular bail to him in case FIR No.30 dated 13.2.2014 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Division No.4, District Ludhiana.

Learned counsel for the petitioner contends that recovery of 350 gms. of heroin has been alleged from the possession of the petitioner.

Though the case was registered on 13.2.2014 and more than 2 years have been passed, but only one prosecution witness has been examined. No other case under the NDPS Act is pending against the petitioner, who is a young boy of 24 years of age. The other co-accused of the petitioner for having in possession of 100 gms. of heroin, have already been granted bail by the trial Court.

Learned State counsel, on instructions from HC Malkiat Singh, states that the prosecution has cited as many as 12 witnesses and one prosecution witness has been examined. However, learned State counsel does not dispute the fact that no other case under the NDPS Act is pending against the petitioner. However, recovery effected from the petitioner is commercial.

Heard.

It is not disputed that the alleged recovery of 350 gms. of heroin is slightly higher than the commercial quantity. As against 12 prosecution witnesses, only one witness has been examined. The trial will take sufficiently long time. As such, taking into consideration the custody and speed of trial, the present petition is allowed. The petitioner is admitted to bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found involved in any other case under the NDPS Act, the prosecution shall be at liberty to

seek cancellation of his bail in this case.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the case on the basis of availability of evidence.

March 03, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE