

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

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CRM-M-8840-2016

Date of Decision: March 17, 2016

SAWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Harish Divedi, Advocate for the petitioner.

Mr.Jashan Preet Singh, AAG, Punjab.

M.M.S.BEDI, J.(Oral)

For having been found in possession of 95 grams of intoxicating powder containing diphenoxylate hydrochloride, the petitioner has been in custody w.e.f. 21.12.2015.

Counsel for the petitioner submits that the petitioner was granted interim bail on 26.5.2015 and he remained on interim bail till 21.12.2015. He having not misused the liberty, he should be granted the concession of bail. Counsel for the petitioner further submits that quantity of diphenoxylate hydrochloride recovered from the petitioner, is marginally higher than the commercial quantity.

I have heard the counsel for the petitioner and considered the facts and circumstances of the case. The petitioner has been in custody w.e.f. 21.12.2015 after cancellation of his interim bail. No witness appears to have been examined. Any quantity of diphenoxylate hydrochloride more than 50 grams falls in the category of commercial quantity. Striking a balance between the right of liberty of the petitioner and right of the prosecution agency to ensure presence of petitioner during trial, I deem it appropriate to dispose of this petition with a direction that in case the prosecution agency is not able to conclude the entire evidence within a period of five months from the next date of hearing the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction on expiry of five months after the next date of hearing.

**(M.M.S.BEDI)
JUDGE**

March 17, 2016

TSG