

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

CRM -M-11661 of 2017 (O&M)

Date of decision: 29.09.2017

Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vishwajit Bedi, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by HC Gurdev Singh.

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 FIR No. 105 dated 02.05.2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Shimla Puri, District Ludhiana.

It is contended that the petitioner is a young man of 28 years of age and he is not involved in any other FIR. The petitioner was earlier admitted to interim bail till the receipt of FSL report, vide order dated 18.06.2015 and after the receipt of FSL report, the petitioner surrendered before the competent Court on 09.07.2016, whereas, in the custody certificate, it is reflected as 03.10.2016. He further states that the petitioner has not misused the concession of

interim bail. The challan was presented on 05.08.2017. As many as 14 prosecution witnesses have been cited in the final police report, however, none of the PW has been examined so far.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Though the quantity in the present case is commercial in nature, however, considering the fact that FIR was registered on 02.05.2015; except for the period from 18.06.2015 to 09.07.2016 (in custody certificate it is mentioned as 03.10.2016), the petitioner remained in custody; the challan stands presented; out of total 14 PWs, no PW has been examined so far; the petitioner is a young man of 28 years of age and he is the sole bread winner of the family and there is total uncertainty with regard to conclusion of trial, therefore, this Court feels that the petitioner cannot be kept behind the bars for an indefinite period, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

29.09.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No