

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

CRM No.M-13057 of 2017 (O&M)

Date of Decision: May 01, 2017

Lakhvir Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Sekhon, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.193 dated 03.11.2015 under Sections 21 and 25 of the NDPS Act, registered at Police Station Ghall Khurd, District Ferozepur.

Notice of motion.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab, has put in appearance on behalf of the respondent-State and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, firstly, I find that no recovery has been effected from the present petitioner. The recovery has been effected from co-accused and they have already been released on bail. The recovery is

stated to be of 260 grams of heroin but the perusal of the record shows that

it is not weighed by the computerized scale and further, there is nothing, whether the weight was taken including the plastic envelop or not. Therefore, it is debatable whether the recovery falls under commercial quantity or non-commercial quantity.

The present petitioner has been in custody for more than 6 months. He is not required for any investigation or interrogation purposes. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

May 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No