

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

CRM-M-14792 of 2017

Date of decision: 19.05.2017

Jasveer Singh

... Petitioner

vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. C. L. Verma, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.0072, dated 11.10.2016, registered under Sections 18/ 61/ 85 of NDPS Act at Police Station Sadar Faridkot, District Faridkot.

Seeking regular bail learned counsel submits that the alleged recovery from the petitioner is marginally higher than the prescribed commercial quantity and if the weight of the bags is reduced then it is likely that the recovered quantity may not fall within the prescribed commercial quantity; there is no other criminal case in which the petitioner is involved; since till date no prosecution witness has been examined, the trial is not likely to conclude in the near future and that the petitioner has been falsely implicated in the case on account of political rivalry.

Counsel for the petitioner further submits that he has instructions to undertake before this Court that the petitioner would not be found indulging in any criminal activity if he is granted bail in this case.

Learned State counsel opposes the grant of bail on the ground

that the petitioner has been found in possession of commercial quantity of opium.

In the peculiar facts of this case where the alleged recovery is marginally higher than the prescribed commercial quantity; there is no other criminal case in which the petitioner is involved; whether the petitioner was falsely implicated for political reasons would be deciphered only during the course of the trial; as none of the prosecution witness have been examined, the trial is not likely to be concluded in the near future and in view of the undertaking given on behalf of the petitioner I am of the opinion, the petitioner is entitled to be admitted to be regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

It is clarified that while on bail if the petitioner is found indulging in any criminal activity the State is at liberty to file a petition before this Court to seek cancellation of the bail granted through this order.

(Deepak Sibal)
Judge

May 19, 2017
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>