

CRM-M-15751-2017

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

CRM-M-15751-2017

Date of Decision: 19.05.2017

Daljit Singh @ Popa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Gurpal Kaur Dulat, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Status report by way of affidavit of Sh. Sandeep Kumar, PPS, Deputy Superintendent of Police, Sub Division, Sangrur, has been filed in Court today. Same is taken on record.

Petitioner-Daljit Singh @ Popa has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.133 dated 02.09.2016, registered at Police Station Sadar Sangrur, Tehsil and District Sangrur, under Section 20 of NDPS Act, 1985.

Notice of motion has been issued. Learned State counsel has appeared on behalf of respondent-State and contested the instant petition.

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

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From the record, I find that as per the prosecution version, recovery of 100 kgs of '*Bhang*' (hemp) was effected from the present petitioner. In view of law laid down by this Court in *Arjun Singh vs. State of Haryana* 2004(4) R.C.R. (Criminal) 506, *Bhang* (hemp) does not fall under the definition of Cannabis (hemp) as defined under Section 2(iii) of the NDPS Act, 1985 and thus, its possession does not constitute an offence punishable under the aforesaid Act.

Otherwise also, the petitioner has been in custody since 02.09.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final 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, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above in any way will constitute my opinion on the merits of the case.

19.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No