

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

CRM-M No. 16161 of 2017
Date of Decision: 01.06.2017

DHARAMVIR SINGH @ HAPPY

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. P.S. Ghuman, Additional A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks regular bail under Section 439 Cr.P.C. in case bearing FIR No.35 dated 05.04.2013 under Sections 21/61/85 of NDPS Act, registered at Police Station Jamalpur, District Ludhiana.

On 19.05.2017, following order was passed by this Court:-

“Learned counsel for the petitioner submits that earlier petition filed by the petitioner i.e. CRM-M No.5807 of 2017 was decided by this Court on 27.02.2017 on a statement of fact made by HC Raj Kumar that the prosecution evidence is almost complete and only one prosecution

evidence is remained to be examined. Petitioner was allowed to withdraw the petition at that stage by giving liberty to the petitioner that in case trial is not concluded within a period of 2 months from that day, petitioner can file fresh petition for grant of regular bail. Trial has not been concluded, rather the statement of Raj Kumar has been found to be factually wrong.

Post the matter on 01.06.2017.

Let explanation of HC Raj Kumar be called in the aforesaid context by the next date of hearing.”

In pursuance of the aforesaid order, affidavit has been filed by Head Constable Raj Kumar, Police Station Jamalpur, District Ludhiana explaining the position that on 27.02.2017, only one prosecution witness was remaining i.e. SI Navdeep Singh. However, at a subsequent stage, the Court *suo motu* summoned two more witnesses namely HC Satpal Singh and HC Balbir Singh. The explanation given by Head Constable Raj Kumar is accepted.

As per allegations in the FIR, 250 gms of intoxicating powder was allegedly recovered from the petitioner which on chemical analysis was found containing Nitrazepam.

Learned counsel for the petitioner submitted that the alleged recovery is of non-commercial quantity.

Since, the alleged recovery of contraband is non-commercial in nature, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

June 01, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking : Yes/No

Whether reportable : Yes/No