

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-5569-2017

Date of Decision: 16.03.2017

Shingara Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jagjit Singh, Advocate,
for the petitioner.

Mr. K.S. Pannu, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 21 dated 21.04.2016, registered at Police Station Talwandi Chaudhrian, District Kapurthala, for the alleged commission of offences punishable under Sections 22 and 61 of the NDPS Act, 1985.

Custody certificate of the applicant-appellant has been filed by learned State Counsel in Court today and is taken on record.

Learned counsel for the petitioner has first produced in Court today an order passed by a co-ordinate Bench in **Bhupinder Singh @ Bhinda vs. State of Punjab** (CRM-M-21034-2016), dated 10.11.2016, referring the issue of whether the classification of various drugs into different quantities, i.e. small, medium and commercial, has been done arbitrarily by the delegate under the Act, or not, (i.e. by the Govt.).

In the present case, the quantity of manufactured drug stated to have been recovered from the petitioner is 130 grams, with the commercial quantity being more than 50 grams.

That issue apart, it is seen that the petitioner has been in custody for about 07 months now, with not a single prosecution witnesses examined so far.

Consequently, with the matter of classification of drugs into commercial/non-commercial quantity being under consideration and the petitioner already having put in about 07 months of imprisonment with the trial no where near conclusion, further looking into the fact that there is no other case under the NDPS Act registered against him and the ones under the provisions of the IPC also being not major offences, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

(AMOL RATTAN SINGH)
JUDGE

March 16, 2017

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Whether speaking/reasoned

Yes

Whether Reportable

No.