

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.206 -A

CRM-M-11082-2018

Date of decision : 22.03.2018

Gurwinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.127 dated 09.06.2017, registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 15, 61 and 85 of the NDPS Act, 1985 and Sections 473 and 467 IPC were added later on.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot and was named as an accused on the basis of statements of co-accused. It is further submitted that there is no other case pending against the petitioner and that investigation is complete and therefore, the petitioner is entitled to grant of regular bail.

Learned State counsel has however, opposed the grant of regular bail on the ground that recovery of commercial quantity i.e. 72 kilograms of poppy husk has been effected.

The commercial quantity of poppy husk was not recovered from the conscious possession of the petitioner as he was not arrested at the spot and keeping in view the fact that the investigation in this case is complete and that the challan has been presented in the Court, no useful

purpose would be served by keeping the petitioner in custody especially because the trial has not yet been started.

In view of the above, the petition is allowed. Petitioner-Gurwinder Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Judge, special Court at Sri Muktsar Sahib.

(SUDHIR MITTAL)
JUDGE

22.03. 2018
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No