

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

CRM-M-11373 of 2018

Date of Decision: 27.04.2018

Dharamveer Singh @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.60 dated 30.03.2015 registered under Sections 21, 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kamboj, District Amritsar.

Learned State counsel has filed the status report by way of affidavit of Prabhjot Singh, PPS, Assistant Commissioner of Police, East, Amritsar on behalf of respondent No.1 in the Court today. The same is taken on record. Copy supplied to the opposite side.

Perusal of the status report reveals that it is the FIR No.116 dated 22.04.2017 registered under Section 22 of the NDPS Act at Police Station 'A' Division, Amritsar City against the petitioner

and not the FIR No. 16. It has also been submitted in paragraph No.3 of the affidavit that in FIR No.116, recovery of 09 grms of heroin was effected from the petitioner.

Learned counsel for the petitioner contends that the petitioner is in custody since 18.08.2017 and no recovery has been effected from him during investigation. He further contends that there are total 11 prosecution witnesses, out of them only 2 have been examined till date.

On instructions from ASI Jagraj Singh and ASI Satpal Singh, learned State counsel has opposed the bail application on the premises that the petitioner was declared Proclaimed offender by learned Trial Court on 18.05.2017 and thereafter he was arrested on 18.08.2017. He further submits that there is already another case pending against the petitioner under the provisions of NDPS Act i.e. FIR No. 116 dated 22.04.2017 registered under Section 22 of the NDPS Act at Police Station 'A' Division, Amrtisar City.

Heard learned counsel for the parties and perused the paper book.

In view of the fact that the petitioner is in custody since 18.08.2017 and no recovery has been effected from the petitioner in the present case and in the other case recovery is 09 grms of heroin. There are total 11 prosecution witnesses and out of them only 2 have been examined till date. Thus, the trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Dharamveer Singh @ Kala be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[MAHABIR SINGH SINDHU]
JUDGE

April 27, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no