

208.

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

I. CRM-M-15436-2018
Date of decision:30.07.2018.

SATINDER SINGH @ GAGGU ... Petitioner

Versus

STATE OF PUNJAB Respondent

II. CRM-M-30995-2017

LALA SINGH ALIAS KAKA ... Petitioner

Versus

STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Susheel Gautam, Advocate,
for the petitioner in CRM-M-15436-2018.

Mr.Ravinder Singh, Advocate, for
Mr. Parminder Singh Sekhon, Advocate,
for the petitioner in CRM-M-30995-2017.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in both the petitions filed under Section 439 Cr.P.C. is
for grant of regular bail to the petitioners in case FIR No.66 dated
09.06.2017 under Section 15 of NDPS Act, registered at Police Station City
Dhuri, District Sangrur.

Learned counsel for the respective petitioners have argued that
the allegation against the petitioners are that they were found in possession

The petitioners are in custody since 09.06.2017 and there is no other case against them under the NDPS Act. They relied upon judgment dated 15.11.2016 passed by this Court in CRM-M-39881-2016 titled as 'Gurdev Singh Dev Versus State of Haryana.'

Learned State counsel, on instructions from ASI Malkit Singh, is fair enough in submitting that there is no case against the petitioners under the NDPS Act. The recovery is of 60 kgs of poppy husk which falls under the commercial quantity. Therefore the petitioners are not entitled for the concession of regular bail.

I have heard learned counsel for the parties.

The petitioners are in custody since 09.06.2017. The trial in the case will take sufficient long time. The alleged recovery of 60 kgs of poppy husk is marginally higher than the commercial quantity.

Accordingly, without making any observation on the merits of the case, but taking into consideration the alleged recovery of 60 kgs of poppy husk, coupled with the fact that one of the petitioners, namely, Lala Singh alias Kaka is stated to be physically handicap (this Court does not comment on the percentage of disability at this stage), this Court finds that no useful purpose will be served by keeping the petitioners in custody.

In view of above, both the petitions are allowed and the petitioners, namely, Satinder Singh @ Gaggu and Lala Singh alias Kaka are admitted on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

While accepting the bail bonds/surety bonds, the trial Court may impose any other reasonable condition which it may deem fit.

It is made clear that in case the petitioners are found indulged in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of their bail.

(HARI PAL VERMA)
JUDGE

30.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No