

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

**CRM-M-16887-2018
Date of decision: 09.10.2018**

Jograj @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 413 dated 16.12.2017, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Nakodar Sadar, Jalandhar, Punjab.

Learned counsel for the petitioner submits that the petitioner is aged about 25 years and he is not involved in any other case. It is further submitted that it will be a debatable issue whether the alleged recovery falls in the commercial quantity and the judgment of Hon'ble Supreme Court, rendered in *Criminal Appeal No. 1880 of 2011, Mohan Lal vs. State of Punjab*, decided on 16.08.2018, will be applicable to this case as the informant and the Investigating Officer is the same person in the present case.

Learned State counsel, on instructions from HC Bahadur Singh, has not disputed the factual position and submits that out of total 11

prosecution witnesses, 01 has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in custody for the last about ten months; he is not involved in any other case also in view of the contentions notice above, instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqua Magistrate, concerned.

October 09, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No