

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

CRM-M-3040-2018
Date of decision:30.4.2018

Kabal Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab
for the sole respondent.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed by the petitioner under Section 439 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of regular bail in FIR No.29 dated 21.3.2017 under Sections 15, 18, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS' – for short) registered at Police Station Koom Kalan, Ludhiana.

It is contended by learned counsel for the petitioner that he is in custody since 21.3.2017 and charges in the present case were framed on 11.10.2017 and out of total seventeen prosecution witnesses none has been examined till today. It is also contended that recovery in the present case is 60 kilograms of poppy husk, which is marginally higher than the

commercial quantity and 150 grams opium, which is less than commercial quantity. With the aforementioned assertions, learned counsel for the petitioner prays for grant of regular bail to the petitioner.

On the other hand, learned State counsel has opposed the bail application on the ground that recovery is commercial in nature, hence the petitioner does not deserve the concession of regular bail and prayed for dismissal of the same.

Heard both sides and perused the paper-book.

In view of the fact that the petitioner is in custody since 21.3.2017 and out of seventeen prosecution witnesses none has been examined till today. Undisputedly, no other case is pending against the petitioner under the provision of the NDPS Act. The conclusion of trial is likely to take a long time, hence no useful purpose would be served by keeping the petitioner behind the bars. Consequently, this Court is of the view that it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Kabal Singh 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

30.4.2018
Gaurav Sorot

- | | | |
|----|------------------------------|-----|
| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |