

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.09.07 09:30
I attest to the accuracy and
integrity of this document

CRM-M-32559-2018 (O&M)

Date of decision:06.09.2018

Gurmail Singh @ Gola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of bail pending trial in case FIR No. 32 dated 17.04.2018 under Sections 22/61/85 of NDPS Act and Sections 29/61/85 of NDPS Act added later on, registered at Police Station Nandgarh, District Bathinda.

Counsel for the petitioner contends that although 20 bottles of ONEREX and 20 strips of Carisoma tablets have been shown to be recovered from the petitioner. However, the contents of the prohibited substance in the entire recovery was only 04 grams, which is much less than the prescribed commercial quantity. To support this contention, learned counsel for the petitioner has relied upon the judgment of this Court rendered in CRM-M-35080 of 2018 Rajvir @ Raju Vs. State of Punjab. It is further contended that the petitioner is in custody since 17.04.2018. Challan has already been presented. The trial is likely to take long time and the petitioner is not required for any investigation purposes. Charges have not yet been framed.

On the other hand, learned State counsel, being instructed by HC Jasvinder Singh, submits that there is huge quantity of recovery. It is further contended that there are four other cases against the petitioner, out of which, one is under NDPS Act itself.

In reply, learned counsel for the petitioner contends that out of four cases, the petitioner has already been acquitted in two cases and in remaining two cases, the petitioner is already on bail.

In view of the above submissions made by learned counsel for the petitioner, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/sureties to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

06.09.2018
Hemlata

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