

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

**CRM No.M-34827 of 2017
Decided on: 01.02.2018**

Amarjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.43 dated 04.04.2017, for offence punishable under Section 22 of the Narcotic Drugs Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Mehatpur, District Jalandhar Rural.

Counsel for the petitioner has submitted that the petitioner was granted interim bail while awaiting report of the FSL and has not misused the concession of bail and recovery from the petitioner is of 155 grams of Alprazolam powder and it will be a debatable issue whether the said drug was a manufactured drug or psychotropic substance. It is further submitted that the petitioner is in judicial custody since 04.04.2017 excluding the period of interim bail and is in custody w.e.f. 31.07.2017 and only one prosecution witness has been examined.

On the other hand, counsel for the State, on instructions

from ASI Jagtar Singh, has not disputed the factual position but opposed the prayer for bail on the ground that the recovery is of commercial quantity and one more case is pending against the petitioner under the NDPS Act.

In reply, counsel for the petitioner has submitted that the petitioner has already been granted the concession of bail in FIR No.1 of 2016 and is facing the trial.

Without commenting anything on merits of the case and considering the length of custody of the petitioner and also in view of the fact that the petitioner is on bail in another case and only one prosecution witness has been examined out of 10 cited in the report under Section 173 Cr.P.C., the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2018
yakub

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