

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36497 of 2018

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Date of decision:01.10.2018

Varinder Singh alias Roban

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vaibhav Mittal, Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.156 dated 17.11.2015 (Annexure-P.1) registered for the offences under Sections 399, 402, 379 and 411 IPC and Section 25 of the Arms Act and (Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter referred to as 'the NDPS Act'], which were added later on) at Police Station B-Division, Amritsar, District Amritsar.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the allegations in the present case, 190 Grams of intoxicant powder, which falls in commercial quantity, was recovered. Admittedly, the Investigating Officer in this case was not empowered officer i.e. not regular ASI. He was drawing salary of Head Constable and was having local rank of ASI, as admitted by the learned State counsel in para 8 of the reply.

The petitioner has been in custody since 17.11.2015. He is not required for interrogation or investigation purposes as he is in judicial custody. The trial of the case is likely to take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

October 01, 2018.

(Inderjit Singh)
Judge

hsp

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