

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

CRM-M-39251 of 2018.

Decided on:- November 01, 2018.

Jaspal Singh @ Nikka.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed by the petitioner under Section 439 Cr.P.C. is for grant of regular bail in FIR No.83 dated 19.12.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Sarai Amanat Khan, District Tarn Taran.

Learned counsel for the petitioner states that the alleged recovery is 60 grams of Diphenoxylate Hydrochloride, which is slightly higher than the commercial quantity. There is no other case against the petitioner, who was arrested in this case initially on 19.12.2017 and thereafter, was admitted on interim bail vide order dated 01.03.2018 passed by learned Additional Sessions Judge, Tarn Taran because of non-availability of the FSL report. However, on receipt of the FSL report, he was taken in custody on 31.07.2018 and since then, he is in custody.

Learned counsel for the petitioner relies upon the order dated 28.09.2017 passed by this Court in *CRM-M-35385 of 2017* titled as *Sumit Gori Versus State Punjab*.

On the other hand, learned State counsel, though has not disputed the custody of the petitioner as well as the fact that there is no other case against the petitioner, but contends that the recovered quantity is commercial one.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 31.07.2018 and even before, he remained in custody from 19.12.2017 to 01.03.2018 coupled with the fact that there is no other case against the petitioner and the trial in the case will take sufficient long time as no prosecution witness has been examined so far, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on bail subject to furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case.

It is made clear that in case the petitioner is found indulged in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

November 01, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No