

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39514 of 2018

Date of Decision: 14.09.2018

Kuldeep Singh @ Vicky

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0168 dated 29.06.2018 under Sections 15 and 25 NDPS Act registered at Police Station City Jagraon, District Ludhiana Rural during the pendency of trial.

Learned counsel for the petitioner contends that the alleged recovery made from the possession of the petitioner is 51 kgs. of poppy husk, which is marginally higher than the non-commercial quantity and there is no other case pending against him. The petitioner is in custody since 01.07.2018. He has relied upon various orders of this Court i.e. order dated 30.07.2018 passed in CRM-M-15436-2018 *Satinder Singh @ Gaggi*

Vs. State of Punjab, order dated 07.03.2018 passed in CRM-M-3262-2018 *Gurmeet Singh Vs. State of Haryana* and order dated CRM-M-35313-2018 *Malkit Kaur @ Meeto Vs. State of Punjab*, wherein the alleged recovery was more than 50 kgs. of poppy husk but the petitioners-therein were granted regular bail.

Learned State counsel has filed the custody certificate and submits that the petitioner is in custody since 01.07.2018 and there is no other case pending against him. However, he submits that since the alleged recovery falls in commercial category, the petitioner is not entitled for bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 01.07.2018 and trial in the case will take long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to filing of his specific affidavit to the effect that he will not indulge in any such illegal activities in future and on his furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

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.

Needless to mention that nothing observed here-in-above, would reflect on the merits of the case, in any manner, as the same has

been so recorded for a limited purpose of deciding the present petition for regular bail.

September 14, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No