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

CRM-M No.39213 of 2017
Date of Decision: 08.01.2018

Sukhwinder Singh @ Sukha

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.85 dated 10.06.2017, registered under Section 22/61/85 of NDPS Act registered at Police Station Laddowal, District Ludhiana.

Learned counsel for the petitioner submits that 251 grams of Heroine was allegedly recovered from the petitioner i.e. 1 gram more than the non-commercial quantity. The aforesaid weight was inclusive of the envelope as the same was weighed along with the contraband. The case appears to be debatable vis-a-vis the nature of contraband whether commercial or non-commercial quantity.

The petitioner is in custody since 10.06.2017.

The petitioner has also submitted details of two more cases in which he has already been acquitted by the trial Court. This fact has not been denied by learned State counsel on instructions from HC Swaran Singh.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 10.06.2017 can be enlarged on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

08.01.2018

jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No