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

CRM-M-41447-2018 (O&M)

Date of decision:30.10.2018.

AMANDEEP SINGH @ AMNA

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. D.N. Ganeriwala, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab.

HARI PAL VERMA, J.(Oral)

CRM-38011-2018

Prayer in this application filed under Section 482 Cr.P.C. is to
place on record copy of charge-sheet dated 14.08.2018 (Annexure P-4).

For the reasons stated in the application, same is allowed and
the document Annexure P-4 is taken on record subject to all just exceptions.

CRM-M-41447-2018

Prayer in the present petition filed under Section 439 Cr.P.C. is
for grant of regular bail to the petitioner in case FIR No.15 dated 13.02.2018
registered under Section 18 of NDPS Act, 1985 at Police Station Sadar
Kotkapura, District Faridkot.

As per the FIR, 2.5 kg of opium was recovered from the
petitioner whereas the co-accused Yadwinder Singh was found in possession

Learned counsel for the petitioner has argued that the petitioner has been charged for having found in conscious possession of 2.5 kg of opium without any licence or permit. The petitioner is in custody since 13.02.2018 and the recovered quantity falls under non-commercial category. There is no other case against the petitioner.

Learned State counsel does not dispute the custody and the recovery. However, he has argued that the recovered quantity falls under commercial category.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 13.02.2018 and the charge has been framed only on 14.08.2018, this Court finds that the trial in the case will take sufficient long time and moreover, the question as to whether the recovered quantity falls under commercial category or non-commercial category is a debatable issue which requires to be considered during trial.

Accordingly, present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

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

(HARI PAL VERMA)
JUDGE

30.10.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.