

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.206

CRM-M-47462-2017

Date of decision : 28.03.2018

Chamkaur Singh @ Kawa

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.103 dated 28.05.2017, registered at Police Station Baghapurana, District Moga, under Section 22 of NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in custody since 29.05.2017 and only 50 grams of Dyphenoxilate Hydrochloride has been recovered from him, which is non-commercial quantity. The investigation in this case is complete and three out of ten prosecution witnesses, have already been examined and therefore, no useful purpose would be served by keeping the petitioner in custody indefinitely.

Custody certificate dated 27.03.2018, prepared by Iqbal Singh Brar, Deputy Superintendent, Central Jail, Faridkot has been filed by the learned State counsel and the same is taken on record. According to the said certificate, the petitioner has undergone actual custody of nine months and twenty six days and there is another case pending against the petitioner under the NDPS Act, 1985.

Learned State counsel has submitted that the petitioner appears to be a habitual offender and therefore, he does not deserve to be released on regular bail.

Keeping in view the fact that non-commercial quantity has been recovered from the petitioner and that investigation is complete and three out of ten prosecution witnesses have already been examined and that no useful purpose would be served by keeping the petitioner in custody indefinitely, the petition is allowed. Petitioner, namely, Chamkaur Singh @ Kawa is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Judge, special Court concerned at Moga.

(SUDHIR MITTAL)
JUDGE

28.03.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No