

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

**Criminal Misc. No. M-51353 of 2018
Date of decision: 21.12.2018**

Gurcharan Singh @ Channa

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vivek Goel, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Gurcharan Singh @ Channa under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.16 dated 11.03.2015 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Fatehgarh Panjtoor, District Moga.

Learned counsel for the petitioner submits that as per allegations levelled in the FIR, the petitioner was found in possession of 100 grams of intoxicant powder containing Alprazolam, which is non-commercial quantity. The petitioner was arrested on 11.03.2015 and thereafter, he was released on interim bail till the receipt of Chemical Examiner's report, which was received on 15.06.2015. Learned counsel further submits that no other case under the NDPS Act is pending against the petitioner. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

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Custody certificate has been filed in the Court today and the same is taken on record.

Learned State counsel has not disputed the custody period, which is six months and three days as on 28.11.2018 and now it comes to about seven months. The period, to which he remained in custody before releasing on interim bail has not been mentioned in the custody period and after including that period, the custody comes to more than nine months. Learned State counsel also submits that all the witnesses are official witnesses and no other case is pending against the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 25.05.2018; the alleged recovery is non-commercial; all witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses; the trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Gurcharan Singh @ Channa) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

21.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No