

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

CRM-M-5530-2018 (O&M)
Date of decision : 16.05.2018

Mandeep Singh @ Netarpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.83 dated 02.05.2015, registered under Sections 21, 22, 25 and 29 of the NDPS Act and Sections 420, 467, 468, 471, 472 and 120-B of the Indian Penal Code, at P.S. City Jagraon, District Ludhiana.

 Contentends that the petitioner is in custody since 02.05.2015. The trial is yet to commence as the charges have not been framed so far. The quantity allegedly recovered is marginally higher than the non-commercial quantity.

 On the other hand, learned State counsel submits that the quantity recovered from the petitioner falls under the category of 'commercial quantity', therefore, the instant petition deserves to be dismissed.

Heard.

This is the third bail petition moved by the petitioner. The

petitioner is in custody since 02.05.2015. The trial has not yet commenced. The Court is fully conscious of the fact that the recovery in the matter is commercial in nature, however, keeping in view the attending circumstances indicating complete uncertainty with regard to the conclusion of trial, the Court feels that the petitioner cannot be kept under incarceration for indefinite period.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.05.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No