

CRM-M-6919-2018

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

CRM-M-6919-2018

Date of Decision: 18.07.2018

Sukhwinder Singh @ Sabhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Balram Singh, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab

INDERJIT SINGH, J. (Oral)

Petitioner-Sukhwinder Singh @ Sabhi has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.66 dated 27.05.2015, registered at Police Station Sadar Phagwara, District Kapurthala, under Section 22 of the NDPS Act, 1985.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that the present petitioner was apprehended alongwith intoxicating powder containing Diphenoxylate Hydrochloride. More than 50 grams of the aforesaid salt falls in

CRM-M-6919-2018

commercial quantity. Perusal of record nowhere shows that the intoxicating powder has been weighed with digital scale. It is simply written that after making arrangements of scale, the powder was weighed. Nothing has been mentioned as to whether scale was digital or manual. There is every chance that recovery in the present case may fall in non-commercial quantity.

The petitioner has been in custody since 21.11.2016. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above shall constitute my opinion on merits of the case.

18.07.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No