

Sr. No.214

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

CRM No. M-8812 of 2018 (O&M)

Date of Decision: 20.04.2018

Parveen Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Charanpreet Singh, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR
No.43 dated 17.02.2017, under Section 22 of NDPS Act, registered
at Police Station Meharban, District Ludhiana.

Counsel for the parties have been heard.

As per prosecution, an alleged recovery of 300 grams
of heroin has been effected from the petitioner.

Petitioner was arrested on 17.02.2017.

Investigation having been completed, challan was
presented on 15.07.2017.

Even though as per Schedule of the NDPS Act, 250
grams of such intoxicating substance would be treated as
commercial quantity, yet the alleged recovery from the petitioner
is marginally over and above the non-commercial quantity.

State counsel upon instructions from ASI Karamjit Singh

informs the Court that charges were framed on 06.01.2018 and thereafter out of 13 prosecution witnesses cited, none has been examined till date.

Trial as such would take time to conclude.

Even though petitioner was involved in another case under the NDPS Act but in such matter the recovery being of non-commercial quantity/small quantity petitioner was convicted and the period of incarceration that he had already suffered was treated as sentence undergone.

Without making any observations on merits and in the totality of the circumstances, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

20.04.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No