

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

Sr. No.209

CRM-M-925-2018

Date of decision : 07.02.2018

Pavitar Singh @ Makhan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jashandeep S. Sandhu, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.59 dated 05.06.2017, registered at Police Station Barnala, District Barnala, under Section 15 of NDPS Act, 1985.

2. Custody Certificate dated 07.02.2018, prepared by Sh. Gurpreet Singh, Superintendent, District Jail, Barnala has been filed by the learned State counsel in Court today and the same is taken on record.

3. It is submitted by learned counsel for the petitioner that recovery of 60 kilograms of poppy husk, was effected from the accused in the said FIR, which is marginally above the commercial quantity. He further submits that the petitioner has been in custody since 05.06.2017 and the challan has already been presented in Court, but trial has not yet commenced.

4. Learned State counsel does not dispute that the trial has yet to commence.

5. In view of the fact that the investigation is complete and that the petitioner-Pavitar Singh @ Makhan has been in custody for the last eight months and that he is not habitual offender, even though earlier in FIR No.59 of 2015, he was convicted and sentenced to undergo imprisonment for the period he remained in custody i.e. one month and twelve days, I deem it appropriate to order his release on bail pending trial on his furnishing bail and surety bonds to the satisfaction of the trial Court/Judge, special Court concerned.

6. The petition is allowed.

(SUDHIR MITTAL)
JUDGE

February 07, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No