

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

CRM-M-3560-2019

Date of Decision: 01.02.2019

Kuljeet Singh @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Divjyot Singh Sandhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner Kuljeet Singh @ Sonu has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.190 dated 15.08.2018, registered at Police Station Kotwali, Kapurthala, under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been 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 FIR, in the present case, has been registered on the basis of secret information. As per the prosecution version, a car in which present petitioner Kuljeet Singh @ Sonu alongwith co-accused Lakhvir Singh @ Lakhi was travelling, was stopped. From the said car, two gunny bags containing 54 kgs of poppy husk were recovered. As

per the record, the poppy husk has been measured alongwith gunny bags. The weight of gunny bags is nowhere mentioned in the record. As the total recovery in this case is to be 54 kgs of poppy husk and weight of gunny bags has not been mentioned, therefore, it is debatable whether the recovery falls under commercial quantity or non-commercial quantity. It is possible that after deducting the weight of gunny bags, the recovery may fall under non-commercial category.

The petitioner has been in custody since 17.08.2018. 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 the petitioner 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 ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

01.02.2019*jasmine kaur***(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No