

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

CRM-M No9046 of 2019

Date of Decision: 07.03.2019

Inderjit Singh @ Indi

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Subhash Kumar, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This is the third petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.5 dated 04.01.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nakodar, District Jalandhar during pendency of the trial.

The first petition was filed without approaching the lower Court and it was dismissed as withdrawn with liberty to file a petition before the lower Court. Thereafter, the second petition was filed and the filing of earlier petition was not mentioned therein. However, the liberty was granted to the petitioner to file afresh by mentioning correct facts. Meaning thereby, both the petitions were not dismissed on merits.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. The

alleged recovery was found to be 105 gms of powder which was verified by having FSL report. Learned counsel also submits that earlier the petitioner was released on interim bail till the receipt of FSL report. Now he is having custody of more than one year and no other case under the NDPS Act is there against him. Even there is non-compliance of mandatory provisions of Section 50 of the NDPS Act and even the weight of the plastic envelop has not been excluded. The alleged recovery is marginally more than the commercial quantity. All witnesses are the official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period and also the fact that the weight of the plastic envelop was not excluded. However, the weight of said plastic envelop cannot be more than one gram. Learned State counsel also submits that three more cases are there against the petitioner which are not of similar nature and he is stated to be on bail in those cases.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the recovery which is marginally more than the commercial quantity; the fact that no other case of NDPS Act is there against the petitioner; he is on bail in other cases which are pending against him; the custody is more than one year; the trial may take some time to conclude and moreover, the witnesses are official and there is no possibility that he may influence the witnesses or tamper with the evidence, the present petition is allowed and petitioner, namely, Inderjit Singh @ Indi is directed

to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

07.03.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

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