

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

**CRM-M No. 10753 of 2019
Date of Decision:-03.05.2019**

Dalwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Dalwinder Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.33 dated 03.5.2018, under Section 22 of the NDPS Act, registered at Police Station City Banga, District SBS Nagar. The petitioner is in custody since his arrest of 03.5.2018.

As per FIR, on 03.5.2018 when the police party was present at Heun Police Post in search of suspected elements, a motor-cycle bearing No.PB-02-BP-3289 mark Passion Pro was seen coming from the side of village Khatkar Khurd. On seeing the police party, driver of the said motor-cycle got perplexed and tried to turn back. On the basis of suspicion, the

ASI/SHO apprehended him with the help of other colleagues, who disclosed his name as Dalwinder Singh (petitioner). After the completion of formalities as contemplated under the NDPS Act, recovery of 15 injections of Pheniramine Maleate Injections IP Avil, 10 ml each and 15 Buprenorphine injections of 2ml each was effected from his right pocket of Slex (pyjama).

Learned counsel for the petitioner contends that the quantity of recovered contraband is 30 grams, which is marginally over and above the non-commercial quantity i.e. 20 grams. He further contends that challan has already been presented and charges have been framed on 31.1.2019. According to him, there are in all 18 witnesses and only one witness has been examined so far and the examination of rest of the witnesses will take considerable time. It is also not disputed that the petitioner is not involved in any other case much less under the NDPS Act.

On the other hand, learned State counsel assisted by ASI Raj Kumar opposed the bail application. It is contended that the commercial quantity of the contraband was recovered from the petitioner. It is also apprised that after framing of charges on 31.1.2019, the case has been adjourned for 20.2.2019, 15.3.2019, 04.4.2019 and 25.4.2019 for recording of prosecution evidence. However, it is not disputed that only one witness has been examined so far and seventeen witnesses still remain to be examined

Considering the above background of the case as well as the custodial period suffered by the petitioner, this Court is of the opinion that

further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Shaheed Bhagat Singh Nagar.

The petition is allowed.

May 03, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No