

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-15208-2019

Decided on: October 22, 2019.

SHIVPREET SINGH @ SONU

.... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. A.S. Sekhon, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

*

HARINDER SINGH SIDHU, J.

In the instant petition, petitioner has sought regular bail under the provision of Section 439 Cr.P.C. in case FIR No.162 dated 17.10.2018, under Section 21 of Narcotics Drug Psychotropic Substance Act, 1985 registered at Police Station City Kotkapura, District Faridkot.

As per the allegation in the FIR a plastic polythene bag containing heroin was recovered from the dash board of the car in which the petitioner was sitting on the rear seat along with three other persons. The weight of alleged contraband along with the polythene was found to be 255 grms.

Learned counsel for the petitioner states that if the polythene and the heroin are weighed separately then the weight of the alleged contraband would come out to be less than 250 grms and as such the same will fall under the category of non-commercial quantity. As it is even with

the polythene the quantity is only marginally more than the commercial quantity.

Counsel for the petitioner has further submitted that the petitioner is the first time offender and he is not involved in any other case and he is in custody for about one year. It is also submitted that out of 13 prosecution witnesses, only 05 PWs have been examined so far.

Counsel for the State, on instructions from ASI-Karamjit Singh, P.S. City Kotkapura, District Faridkot has not disputed the factual position that the petitioner is in custody for last more than 01 year and only 05 Pws have been examined but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 17.10.2018; he is the first offender and not involved in any other case and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail to the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(HARINDER SINGH SIDHU)
JUDGE

October 22, 2019
tarun

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No