

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17933-2019

Date of decision: 05.07.2019

Shammi

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Gautam Dutt, Addl. PP, U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 3rd petition for grant of regular bail in FIR No.302 dated 12.10.2018 under Section 20 of NDPS Act, registered at Police Station Mauli Jagran, Chandigarh, earlier one was dismissed as withdrawn on 07.02.2019.

Learned counsel for the petitioner submits that the new ground for grant of regular bail is that the petitioner, as on today, has undergone 09 months of custody and one of the moot point to be decided by the trial Court is whether compliance of Section 50 of NDPS Act was required in the present case or not. It is further submitted that recovery is of small quantity and the petitioner is on bail in another FIR referred to in the order rejecting the bail by the trial Court.

Learned counsel for U.T. Chandigarh has not disputed the factual position, however, submits that the petitioner is involved in one more FIR and his bail application be rejected and on instructions from SI Ramesh, learned

counsel for U.T. Chandigarh has further stated that out of total 12 prosecution witnesses, 04 PWs have been examined.

Without commenting anything on merits of the case, considering the fact that the recovery is of small quantity; the petitioner is in custody for the last 09 months; 08 PWs are yet to be examined and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.07.2019

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No