

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

**CRM-M No.47967 of 2018
Decided on: 26.03.2019**

Jugraj Singh @ Joga

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.11 dated 20.02.2018, for offence punishable under Sections 21 and 29 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Sarai Amanat Khan, District Tarn Taran.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 22.02.2018 and the recovery effected from the petitioner is 255 gms of intoxicant powder. It is further submitted that the co-accused of the petitioner namely Gural Singh @ Gora, from whom 10 gms of Heroin was recovered, was granted bail vide order dated 14.01.2019 passed in CRM-M No.62251 of 2018. It is further submitted that the petitioner is the first offender and he is not involved in any other case.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, the recovery of 255 gms of intoxicant powder include the weight of the polythene and it is marginal higher than the commercial quantity. It is also submitted that it will be a debatable issue to be decided during the course of trial whether the recovery effected from the petitioner falls in commercial quantity or not. Counsel for the petitioner has also argued that out of 10 prosecution witnesses, no PW has been examined so far.

Counsel for the State, on the basis of the Custody Certificate dated 02.11.2018 has not disputed the fact that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; he is not involved in any other FIR; out of 10 prosecution witnesses, no PW has been examined so far 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/Illaqa Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

26.03.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No