

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

**CRM-M No.50082 of 2018 (O&M)
Date of Decision: 17.01.2019**

Daljit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. D.S.Pheruman, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition under Section 439 of the Code of Criminal Procedure has been filed for grant of regular bail to the petitioner, pending trial, in case FIR No.0024 dated 07.04.2018 (**P-1**), registered under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

It is contended by learned Counsel for the petitioner that the contraband, recovered from the petitioner, is non-commercial. Also contended that the petitioner is in custody since 07.04.2018 and there are total eight prosecution witnesses, but none of them has been examined till date. Further contended that no other case is pending against the petitioner under the NDPS Act.

On the other hand, learned State Counsel, on instructions from ASI Bhupinder Singh, vehemently opposed the submission of learned

Counsel for the petitioner regarding the recovered quantity of contraband by submitting that the said quantity is commercial and prayed for dismissal of the present petition.

Heard learned Counsel for the parties and perused the paper-book.

The quantity of contraband, recovered from the petitioner in the present case, is commercial or not is a debatable issue, which shall be considered at the time of trial.

Keeping in view the facts that investigation is already over; petitioner is in custody since 07.04.2018; no other case is pending against him. Out of eight prosecution witnesses, none has been examined till date and trial will take a long time of its conclusion, no useful purpose would be served by keeping the petitioner behind the bars. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is made clear that the petitioner would fully co-operate with the proceedings before learned trial Court and in case, he deliberately delays the same or found involved in other cases under the NDPS Act, the prosecution would be at liberty to move an application for recalling of this order.

January 17, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>