

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-50898-2018 (O&M)

Date of Decision:- 4.2.2019

Kulwant Singh alias Kalu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Bhatta, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.111, dated 12.8.2018, registered at Police Station Sadar Fazilka, District Fazilka, under Sections 18/21 of NDPS Act.
2. As per the case of prosecution, petitioner-Kulwant Singh along with co-accused Gurmeet Singh was apprehended by the police. While the search of petitioner yielded recovery of 50 grams of 'Opium', the personal search of co-accused Gurmeet Singh yielded recovery of 260 grams of 'Heroin'.
3. Opposing the petition, learned State counsel has informed that investigation is complete and challan has already been presented,

although charges have not been framed so far. It has also been informed that the petitioner is in custody since the last more than 5 months.

4. The present case is a case of recovery of 50 grams of 'Opium' from petitioner which is less than commercial quantity. Further, it will be debatable as to whether the petitioner can be attributed conscious possession of the contraband recovered from the possession of his co-accused-Gurmeet Singh. The petitioner has been behind bars since the last more than 5 months and the conclusion of trial will certainly take some time. In these circumstances no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner-Kulwant Singh alias Kalu is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. This petition stands accepted accordingly.

February 4, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No