

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

**CRM-M-23747-2019 (O&M)
Date of Decision:13.11.2019**

Jeewan Singh @ Rimpay

... Petitioner

Versus

Union Territory Chandigarh

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Harmanpreet Kaur, Advocate for the petitioner.

Ms. Ashima Mor, APP, U.T. Chandigarh.

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TEJINDER SINGH DHINDSA, J. (ORAL)

This is the second petition preferred by the petitioner under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.329, dated 11.08.2017, under Sections 21/22 of the NDPS Act, registered at Police Station Sector- 39, Chandigarh.

The first petition preferred by the petitioner i.e. CRM-M-4834-2018 was decided by this Court in terms of order dated 09.02.2018 and petitioner had been directed to be enlarged on bail subject to satisfaction of the trial Court.

Apparently, petitioner abstained from trial proceedings on 19.11.2018 and has thereafter been re-arrested on 05.03.2019.

Counsel representing U.T. Chandigarh would oppose the prayer made in the instant petition by contending that the petitioner had misused the concession of bail that has been granted earlier in point of time and as such he does not deserve any indulgence in the instant petition.

Counsel for the parties have been heard.

Undoubtedly, petitioner having been enlarged on bail pursuant to order dated 09.02.2018 passed in CRM-M-4834-2018 had abstained from trial proceedings. Be that as it may, he has been re-arrested on 05.03.2019 and has faced incarceration since then.

Ms. Ashima Mor, Advocate does not dispute that the petitioner is not involved in any other case under the NDPS Act. Even in the present case, as per prosecution version, the alleged recovery effected from the petitioner was of 11 injections buprenorphine (2 ml. each) as also 10.2 gram heroin.

The alleged recovery effected from the petitioner would be construed to be marginally over and above the non-commercial quantity.

Without making any observations on merits, petitioner is held entitled to the benefit of bail. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

13.11.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |