

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

**CRM-M No.52848 of 2018 (O&M)
Date of Decision: 17.01.2019**

Kashmir Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioners.

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 petitioners, pending trial, in case FIR No.53 dated 10.04.2018 (**P-1**), registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station Bhawanigarh, District Sangrur.

It is contended by learned Counsel for the petitioners that the contraband, recovered from the petitioners, is non-commercial. Also contended that the petitioners are in custody since 10.04.2018 and out of total eleven prosecution witnesses, only two have been examined till date. Further contended that no other case is pending against them under the NDPS Act.

On the other hand, learned State Counsel, on instructions from H.C. Sukhwinder Singh, vehemently opposed the submission of learned Counsel for the petitioners 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 petitioners 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; petitioners are in custody since 10.04.2018; no other case is pending against them. Out of 11 prosecution witnesses, only two have been examined till date and as such, trial will take a long time of its conclusion, therefore, no useful purpose would be served by keeping the petitioners behind the bars. In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioners be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is made clear that the petitioners would fully co-operate with the proceedings before learned trial Court and in case, they deliberately delay 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>