

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

219

CRM-M-36394-2019(O & M)
Date of Decision:29.10.2019

Harjinder Singh @ Jinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K. Passi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.54 dated 22.06.2019, under Section 21 of the NDPS Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran, Punjab. Petitioner is in custody since his arrest on 22.06.2019.

The prosecution case is that when the police party reached at Link Road Phula Chowk near Gas Agency then one haircut person (petitioner) was seen coming from Village Phula side. On seeing the police party, he got perplexed and tried to turn back. On this, the police party apprehended the petitioner. Upon search of the petitioner, one polythene bag containing 255 grams of heroin was recovered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the

quantity recovered is marginally above the non-commercial quantity and this contraband was weighed with the polythene wherein it was contained, therefore, the actual weight of alleged contraband would fall within the non-commercial quantity. He further contends that the petitioner is not involved in any other case and the investigation of the case is complete.

On the other hand, learned State counsel assisted by SI Pannu Lal has opposed the bail application. However, it is not disputed that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, this Court finds that the further custody of the petitioner may not be necessary, as the trial is likely to consume considerable time. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

29.10.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No