

229

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

CRM-M-36390 of 2019

Date of decision: December 03, 2019

Surjit Singh @ Sabi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Thakur, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.82 dated 13.06.2019, under Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Adampur, District Jalandhar Rural.

As per prosecution case, petitioner was apprehended and 410 intoxicant tablets were recovered from his possession.

Contentends that petitioner is in custody since 17.06.2019 and as per the allegation of the prosecution itself, recovery of the contraband is 410 intoxicant tablets and the total weight comes to 49.2 grams. Also contends that there is no other criminal case and after investigation, challan has already been presented before the Court of competent jurisdiction and even now, the case is fixed for prosecution evidence, on

18.12.2019.

The above factual position is duly acknowledged by the learned State counsel, on instructions from ASI Harpreet Singh.

Heard both sides and perused the paper-book.

As the investigation is already over and the contraband recovered from the possession of the petitioner is less than commercial quantity, thus, the provision of Section 37 of the NDPS Act would not be attracted in this case. Since the trial will take sufficient long time, therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

December 03, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No