

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

CRM-M No.61640 of 2018

Date of Decision: 14.02.2019

Harmanpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Harmanpreet Singh in case FIR No.25 dated 26.05.2018 registered under Sections 21/29 of the NDPS Act, 1985 at Police Station STF, Phase IV, SAS Nagar, Mohali during pendency of the trial.

Learned counsel for the petitioner submits that as per allegations in the FIR, total recovery is 255 gms of heroin including weight of the bag. It is marginally more than the non-commercial quantity. The petitioner is in custody since 26.05.2018 and no other case under the NDPS Act is there against him. Learned counsel also submits that the car does not belong to the petitioner. All witnesses are the official and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. Out of total 13 witnesses, 06 witnesses have been examined. The trial may take some more time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel has not disputed the custody period; the

fact that no other case under the NDPS Act is pending against the petitioner and also the stage of trial but she has opposed bail of the petitioner on the ground that it is a commercial quantity. She also submits that the car belongs to father of the petitioner.

Heard the arguments of learned counsel for the parties and have perused the contents of the FIR as well as other documents available on the file.

By considering the custody of the petitioner since 26.05.2018; the fact that no other case under the NDPS Act is pending against the petitioner; the alleged recovery is marginally more than the non-commercial quantity as the commercial quantity starts from 250 grams; the trial may take some time to conclude and no useful purpose would be served by keeping him behind bars; all witnesses are the official and he may not influence the witnesses or tamper with the evidence, the present petition is allowed and petitioner, namely, Harmanpreet Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

14.02.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No