

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

**CRM-M No.62251 of 2018
Decided on: 14.01.2019**

Gurpal Singh @ Gora

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.11 dated 20.02.2018, for offence punishable under Sections 21/29 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sarai Amanat Khan, District Tarn Taran.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 22.02.2018 and the recovery effected from the petitioner is 10 gms. of heroine, which falls in non-commercial quantity. It is further submitted that the petitioner is not involved in any other case and he is a first offender. Counsel for the petitioner has further argued that, in fact, the recovery from the co-accused falls in the commercial quantity and, therefore, the regular bail of the petitioner was declined.

Counsel for the State has filed the Custody Certificate today in the Court and has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the recovery effected from the petitioner is of non-commercial quantity; he is not involved in any other case; he is in custody for the last more than 10 months and 20 days; challan stands presented; charges have been framed and till date, no prosecution witness has been examined, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No