

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

**CRM-M-15056-2020 (O&M)
Date of Decision:13.07.2020**

Gurjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. A.S. Sivia, Advocate for the petitioner.

Mr. Suveer Sheokand, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in FIR No.0012 dated 23.01.2020 under Section 15 NDPS Act, registered at police station Kotbhai, District Sri Muktsar Sahib.

Counsel for the parties have been heard.

Petitioner was arrested on 23.01.2020 and as per prosecution version the alleged recovery effected is of 2 kgs. of poppy husk.

Investigation in the case is complete and the challan stands presented. Charges are yet to be framed in the present case.

Trial as such would take time to conclude.

The alleged recovery in the present case would be construed as non-commercial. Even though learned State counsel has vehemently

opposed the prayer for bail by contending that the petitioner is a previous convict for offence under Section 15 of the NDPS Act and has been sentenced to undergo rigorous imprisonment for a period of two years yet it is not disputed that in such case sentence of the petitioner has been suspended and he is currently on bail.

Keeping in view the fact that the petitioner already suffered incarceration in the present case for a period of almost 6 months and the trial would take time to conclude, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Sri Muktsar Sahib.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 13, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No