

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34509-2015

Date of Decision: October 13, 2015

Varinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. AGS Dhillon, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Varinder Singh, son of Surjit
Singh, resident of village Emamgarh, District Sangrur, who has
been booked for having committed the offence punishable
under Section 15 of the Narcotic Drugs and Psychotropic
Substances Act, 1985, in a case arising out of FIR No. 81, dated
22.6.2015, registered at Police Station, Shambu, District Patiala.

Learned counsel contends that as per prosecution

version, fifty-three kilograms of poppy husk was allegedly recovered from the petitioner, but it was not weighed properly since the bag containing the poppy husk was not separated at the time of weighing of the contents. He further contends that the contraband alleged to have been recovered from the petitioner was slightly above the non-commercial quantity. He further contends that the petitioner is neither required nor involved in any other case. The petitioner was allegedly arrested on 22.6.2015 and still the report from the Forensic Science Laboratory has not been received.

On the other hand, learned counsel for the State submits that commercial quantity of poppy husk starts beyond fifty kilograms and in the present case fifty-three kilograms poppy husk was allegedly recovered. However, he very fairly concedes that the report from the Forensic Science Laboratory has not been received so far. It has also been admitted that the petitioner is neither required nor involved in any other case.

In view of totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Varinder Singh, son of Surjit Singh, resident of village Emamgarh, District Sangrur, is directed to be released on bail during pendency of

the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Patiala.

(NARESH KUMAR SANGHI)
JUDGE

October 13, 2015
Pkapoor