

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

CRM No.M-35214 of 2015
Date of Decision: October 19, 2015

Rajveer Singh @ Ghuk

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

1. *Whether Reporters of the 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-Rajveer Singh @ Ghuk, who has been booked for having committed the offences punishable under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No.17 dated 17.03.2015, registered at Police Station, Bahdaur, District Barnala.

Learned counsel contends that on the basis of a secret information, the present FIR was registered. The petitioner and his co-accused were arrested and thereafter, on the disclosure statement of the petitioner, 1.5 litres of 'Codeine Phosphate' were allegedly recovered from the petitioner. At the time of recovery, neither respectable persons from the locality were joined nor any Gazetted Officer was called at the spot to witness the recovery. He further submits that the petitioner is neither required nor involved in any other case. Learned counsel has further pointed out that the commercial quantity of the 'Codeine Phosphate' start beyond one kilogram and as such the alleged 'Codeine Phosphate' recovered from the petitioner, is slightly above the weight of non-commercial quantity.

Learned counsel for the State after taking instructions from Sub-Inspector Pargat Singh of Police Station, Bahdaur, District Barnala, has not controverted the factual aspect narrated by learned counsel for the petitioner except the fact that Jagnandan Singh, a private person from the locality was arrayed as witness of recovery.

I have heard learned counsel for the parties and with their able assistance, gone through the material available on record.

It is a conceded position that the petitioner is neither

required nor involved in any other case; 'Codeine Phosphate' alleged to have been recovered on the basis of disclosure statement suffered by the petitioner, was slightly above the limit of non-commercial quantity; no Gazetted Officer was associated in the investigation at the time of the alleged recovery and after the arrest of the petitioner on 17.03.2015, the investigation is complete and the charge-sheet (challan) has been presented before the Court below and as such, the present petition is accepted. Petitioner-Rajveer Singh @ Ghuk son of Jarnail Singh, resident of Mann Patti Bhadaur, Tehsil Tapa, District Barnala, is directed to be released on bail during the pendency of the trial in the present case, subject to his furnishing bail bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Barnala.

(NARESH KUMAR SANGHI)
JUDGE

19.10.2015
Bhumika