

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

Criminal Misc.No.M-36969 of 2015

Date of Decision: November 04, 2015

Charanjit Singh @ Phuman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Vipin Mahajan, Advocate,
for the petitioner.

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

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Charanjit Singh @ Phuman, who has been booked for having committed the offences punishable under Sections 15 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985,(for brevity "N.D.P.S.Act") in a case arising out of FIR No.55, dated 02.08.2015, registered at Police Station, Sri Hargobindpur, Police District Batiala, District Gurdaspur, Punjab.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also as per prosecution version, 52 kgs of poppy husk was allegedly

recovered from the petitioner which is slightly above the non-commercial quantity of 50 kg; that no proper weighing scales were used for weighing the alleged poppy husk and the bags which were allegedly containing the poppy husk were not separated before knowing the actual weight of the poppy husk. He points out that the petitioner is neither required nor involved in any other case.

Learned counsel for the State, on instructions from HC Gurdial Singh, Police Station, Sri Hargobindpur, Police District Batala, District Gurdaspur, submits that Section 22 of the N.D.P.S. Act has wrongly being mentioned by the petitioner in his petition in fact the petitioner has been booked for the offence punishable under Section 15 of the N.D.P.S. Act only. He further concedes that the poppy husk alleged to have been recovered from the petitioner was slightly above the quantity of non-commercial quantity. He concedes that the petitioner is neither required nor involved in any other case relating to N.D.P.S. Act.

After hearing learned counsel for the parties, the present petition is accepted. Petitioner, Charanjit Singh alias Phuman, s/o Ajaib Singh, r/o village Dhupai, P.S.Sri Hargobindpur, Tehsil Batala, District Gurdaspur, Punjab, now confined in Central Jail, Gurdaspur, is directed to be released

on bail, during pendency of trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

November 04, 2015
seema

(Naresh Kumar Sanghi)
Judge