

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

**Criminal Misc. No. M-39534 of 2015
Date of Decision: 17.12.2015**

Hardeep Singh alias Deepa

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.26 dated 4.3.2015 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act") registered at Police Station Kotwali, Nabha, District Patiala.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was found in possession

of 1100 tablets of Dyphenoxylate Hydrochloride and the total weight of the recovered tablets comes to 84.7 grams. He further submits that Entry 44 of the table attached to the Act specifies that 50 gms of the Dyphenoxylate Hydrochloride shall fall in commercial quantity, whereas in the present case, the recovery is of 84 gms. which is marginally higher than the non-commercial quantity. He further submits that apart from the fact that the petitioner is in custody since 4.3.2015, there is no other case against him.

Learned State counsel, on instructions from SI Balbir Singh, does not dispute the aforesaid facts and further submits that as against the total nine witnesses cited by the prosecution, only two witnesses have been examined so far and the next date before the trial Court is 5.1.2016.

Heard.

Taking into consideration the fact that apart from the fact that the petitioner is in custody since 4.3.2015 and the alleged recovery is marginally higher than the non-commercial quantity, coupled with the fact that trial will take sufficiently long time, petitioner is admitted to regular bail subject on his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

The petition is disposed of.

However, it is made clear that in future, if the petitioner is found involved in any other case of similar nature, the prosecution shall be at liberty to seek cancellation of his bail.

Needless to say that the observations made here-in-above shall not be construed as any expression on the merits of the case and the trial Court shall decide the case on the basis of evidence as available on record.

December 17, 2015
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(HARI PAL VERMA)
JUDGE