

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-10679 of 2016 (O&M)
Date of Decision: 23.05.2016

Balbir Singh @ Bira

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.116 dated 25.10.2014 under sections 21, 22, 61, 85 of N.D.P.S Act, registered at Police Station, Fattu Dyinga, District Kapurthala.

Learned counsel for the parties have been heard.

As per prosecution version, the alleged recovery from the present petitioner is of 1 gram heroin and 70 grams of Diphenoxylate Hydrochloride.

Petitioner was initially arrested on 25.10.2014 and granted interim bail subject to furnishing of the report of the Chemical Examiner. Petitioner, thereafter, surrendered on 3.12.2015.

Petitioner is not stated to have misused the concession of interim bail.

Counsel would place reliance upon an order passed by a Coordinate Bench of this Court dated 17.12.2015, passed in CRM No. M-39534 of 2015, wherein in a case of alleged recovery of 84.7 grams of the same very intoxicant powder i.e. Diphenoxylate Hydrochloride, benefit of

bail had been granted.

It has gone uncontroverted that the petitioner is not involved in any other case under the N.D.P.S Act.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Kapurthala.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.05.2016

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