

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

CRM No.M-16453 of 2016

Date of decision: 21.07.2016

Jagtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.112, dated 20.09.2014, registered under Section 22 of NDPS Act, at Police Station Ramdas, District Amritsar.

It is contended that the petitioner was not arrested from the spot. The recovery was effected from co-accused, Lakhwinder Singh on 20.09.2014 and the petitioner was arrested on 28.02.2015. After his arrest, he was granted interim bail on 10.04.2015 and after the receipt of FSL report, he surrendered before the competent Court on 10.02.2016, therefore, the learned counsel states that the petitioner has not misused the concession of interim bail. He further states that the petitioner has been falsely implicated in the instant

case.

On the other hand, the learned State counsel opposes the prayer of bail and states that allegedly 200 grams of intoxicant powder was recovered from the possession of co-accused of the petitioner, whereas, the petitioner fled away from the spot.

I have heard learned counsel for the parties and perused the record.

It is debatable as to whether the quantity of contraband is commercial or otherwise. Considering the fact that the petitioner was not arrested from the spot and no recovery was effected from him; he is not involved in any other FIR , without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

21.07.2016

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(JITENDRA CHAUHAN)
JUDGE