

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

CRM No.M-21740 of 2016

Date of decision: 21.07.2016

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Pawan Kumar.

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.63, dated 22.04.2016, registered under Section 20 of NDPS Act, at Police Station Cantonment, District Police Commissionerate, Amritsar.

It is contended that the petitioner was not arrested from the spot. The alleged recovery of 350 grams is a non commercial quantity. The petitioner is in custody since 22.04.2016. He further states that the challan has not so far been presented.

On the other hand, the learned State counsel opposes the prayer of bail and states that the recovery was effected from the

conscious possession of the petitioner. He informs that the FSL report is still awaited.

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

It is debatable as to whether the quantity is commercial or otherwise. Keeping in view the fact that the FSL report is still awaited, the Court feels that ends of justice would be met if the petitioner is allowed interim bail, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to interim bail on his furnishing bail bonds and surety bonds, to the satisfaction CJM/Illaqa Magistrate, concerned.

However, if the chemical report is found to be positive, the same shall be intimated/forwarded to the petitioner who shall surrender before the competent Court within a week thereafter.

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

21.07.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE