

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

CRM-M-22750 of 2016 (O&M)
Date of decision : 13.07.2016

Happy Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. L. S. Sidhu, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Surjit Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.47 dated 27.07.2015, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Sadar Budhlada, District Mansa.

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner is in custody since 27.07.2015 and not involved in any other case under NDPS Act, which fact is not disputed by the learned State counsel. The alleged recovered quantity is non-commercial.

On the other hand, the learned State counsel opposes the present petition and states that two of the recovered salts i.e. Tramadol Hydrochloride and Paracetamol are not listed in the Schedule appended with the Act and the third salt i.e. Prozolam. Lastly, he submits that out of 6 PWs, 1 PW has been examined so far.

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

In view of the facts that the petitioner is not involved in any other case under NDPS Act; he is in custody since 27.07.2015; two of the recovered salts i.e. Tramadol Hydrochloride and Paracetamol are not listed in the Schedule appended with the Act; and 5 witnesses are yet to be examined, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned and on furnishing of an affidavit to the extent that he will not indulge in such activities.

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

13.7.2016

ashok

(JITENDRA CHAUHAN)
JUDGE