

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

(217)

CRM-M-2387-2016

Decided on: February 15, 2016.

Jagsir Singh @ Giani

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.N. Ganeriwala, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case of recovery of 12 vials of Rexcof containing Codeine and non-commercial quantity of dextropropoxyphene contained in 400 capsules of Parvon-spas. He was allegedly arrested while going in a car along with above said medicines.

The quantity of Codeine recovered from the petitioner is commercial quantity but his involvement in the case is debatable on account of the fact that the petitioner was arrested on the same day in FIR No.39 of 02.04.2014 under Sections 399, 402, 411, 412, 473 IPC read with Section 25 of the Arms Act registered at Police Station Barnala and was also arrested in the present case vide FIR No.40 dated 02.04.2014 registered at same police station Barnala. Petitioner has been granted concession of bail in FIR No.39 dated 02.04.2014 on 13.01.2015. Petitioner has been in custody w.e.f. 02.04.2014 whereas 8-9 witnesses are yet to be examined.

The involvement of the petitioner in two cases by different police parties will raise debatable issue during course of trial regarding petitioner having actually been arrested in accordance with the procedure mentioned in the case file.

Taking into consideration the fact that the period of detention suffered by the petitioner and the marginal quantity of codeine phosphate recovered from the petitioner, he can be granted concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that he will not commit similar offence of which he is accused of during pendency of the trial. In case of petitioner doing so, this order will be liable to be cancelled.

(M.M.S. BEDI)
JUDGE

February 15, 2016
harsha