

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

**CRM-M No.31752 of 2015 (O&M)
Date of Decision: 27.01.2016**

Hardev Singh @ Debu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Harjinder Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.177 dated 27.05.2014, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Civil Lines, Amritsar City, District Amritsar (**Annexure P-1**).

As per the allegations, the petitioner was intercepted carrying a polythene bag held in his right hand, containing 70 grams of *intoxicating powder*, allegedly containing *Diphenoxylate Hydrochloride*.

It is contended that from the bare reading, it becomes apparent that a false case has been filed against the petitioner as no prudent man would carry 70 grams of intoxicating powder in a polythene bag in his right hand in front of the police, when it can very safely be put in the pocket.

It is next submitted that even the alleged recovery is marginally commercial and the petitioner is not involved in any other case. It is also submitted that the petitioner was on interim bail earlier due to non-receipt of

the Chemical Examiner's Report, which was never misused. It is further submitted that the petitioner is in custody since 17.08.2015.

Learned State Counsel, assisted by HC Harjinder Singh, concedes regarding the custody period.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on regular bail to the satisfaction of CJM/Duty Magistrate, Amritsar.

Disposed of.

January 27, 2016
Gagan

(JASWANT SINGH)
JUDGE