

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5563 of 2016 (O&M)

Date of Decision: 23.02.2016

Surjit Singh @ Seeta

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vipul Aggarwal, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.107 dated 1.8.2015 under section 21 of N.D.P.S Act, registered at Police Station, Sarhali, District Tarn Taran.

Learned counsel for the parties have been heard.

The alleged recovery from the petitioner as also co-accused namely Gurlal Singh @ Lalli is of 400 grams of heroin.

This Court in terms of order dated 5.1.2016, passed in CRM No. M-37011 of 2015 has placed reliance upon the judgement of Hon'ble Supreme Court in *Amarsingh Ramjibhai Barot Vs. State of Gujarat, 2005 (7) SCC, 550*, wherein it had been held that when two accused are found together carrying contraband the quantity of contraband carried by both the accused could not be added to bring it within the meaning of commercial quantity and by applying such dictum had allowed benefit of regular bail to co-accused and from whom the recovery of 140 grams heroin had been effected.

In so far as the present petitioner is concerned, the recovery is of 260 grams of heroin. The same would be marginally over and above the commercial quantity of 250 grams.

It has gone uncontroverted that the petitioner is not involved in any other case under the N.D.P.S Act.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Tarn Taran.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.02.2016

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