

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

Crl. Misc.No.M-9074 of 2016
Date of Decision:- 31.05.2016

Bachittar SinghPetitioner(s)

VS.

State of PunjabRespondent(s)

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

Present:- Ms. G.K. Mann, 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 260 grams of heroin.

As per the story of the prosecution, the police party had held a *Naka* in concern with FIR No.194 dated 8.7.2015 under Sections 307, 382, 498-A, 323, 506 IPC registered at Police Station City Tarn Taran, near bus stand, Kajikot Kalan, to arrest the petitioner. When the petitioner arrived in a Fortuner and was intercepted, he made an attempt to throw out the plastic envelope which was found containing heroin as disclosed by the petitioner. The petitioner was arrested in FIR No.194 and was booked in the present case also on the basis of recovery of 260 gms. of heroin.

Learned counsel for the petitioner submits that the number of FIR 194 is also mentioned in the present FIR which is registered by none else but the wife of the petitioner. It is claimed that the petitioner is still in

custody in the said case.

So far as the present case is concerned, learned counsel for the petitioner submits that he has been falsely involved in the present case. The recovery in the present case is marginally higher than the commercial quantity prescribed.

Learned counsel for the petitioner has also argued that the wife of the petitioner happens to be an Officer with the Punjab Government and that on account of her influence, the present FIR has been registered.

I have considered the said contention.

Without expression of any opinion regarding the mala fide alleged and regarding the co-incidence of the petitioner having been caught at Naka held only for his arrest and he having been nabbed with heroin, I am of the opinion that in view of the fact that the recovery of heroin is marginally higher than the commercial quantity, the petitioner being in custody w.e.f. 9.7.2015, he can be granted the concession of bail in this case.

Petition is allowed. Petitioner is ordered to be released on bail in FIR No. 195 dated 9.7.2015 Police Station City Tarn Taran on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

May 31, 2016
poonam

(M.M.S. BEDI)
JUDGE