

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

**CRM-M-124-2017 (O&M)
Date of Decision:17.04.2017**

Joginder Singh @ Lalu

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Mandeep Singh Sodhi, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.230, dated 07.10.2016, under Sections 21/22/61 of the NDPS Act, registered at Police Station City Ferozepur, District Ferozepur.

Counsel for the parties have been heard at length.

As per prosecution version, an alleged recovery of 100 grams of heroin was effected from the petitioner. Petitioner was arrested on 08.10.2016.

Investigation already stands concluded and the challan has been presented. Charges are yet to be framed.

The alleged recovery effected from the petitioner would be construed as non-commercial.

Even though, the present petition was sought to be opposed by learned State counsel on the ground that the petitioner is involved in three other proceedings under the NDPS Act, yet counsel for the petitioner would meet such submission by contending that in FIR No.36/2014 under the NDPS Act registered at Police Station City Ferozepur as also FIR No.126 dated 07.06.2016 under the NPDS Act, registered at Police Station City Ferozepur, petitioner had already

earned acquittal. Counsel for the petitioner further submits that in FIR No.20 dated 17.01.2015 under the NDPS Act, registered at Police Station City Ferozepur, the matter is still pending and in any case, the alleged recovery therein also was non-commercial.

In the totality of circumstances and keeping in view the fact that the trial is at the very initial stage, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Ferozepur.

Disposed of.

17.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |