

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

CRM No. M-15056 of 2017.

Date of Decision: 16.05.2017.

Sarabjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sahil Puri, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.71 dated 05.05.2015 registered under Section 22 of NDPS Act at Police Station Sadar, Kapurthala.

Learned counsel for the petitioner contends that from the FIR, it is clearly made out that it is a case of false recovery. Even prior to launching the search, the I.O. had specifically indicated that he had suspicion that the petitioner had concealed a certain contraband in his right pocket. He states that the quantity is so small that even if it had been there, it would not be visible which makes the recovery doubtful. The petitioner is young boy of 24 years. He is in custody since 05.05.2015. He further states that the recovery was effected from a public place but no effort was made to join any independent witness.

On the other hand, the learned State counsel submits that the recovery was effected from the conscious possession of the petitioner. The FSL report has been received. As per the FSL report, the salt has been found to be Diphenoxylate Hydrochloride.

Heard.

The recovery was allegedly effected from a busy place. Keeping in view the quantity and the manner in which the recovery had been effected, the Court without commenting on the merits of the case, is inclined to accept the prayer made in the petition. Accordingly, the petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

16.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No