

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23482-2017

Date of decision: 13.07.2017

Harpreet Singh @ Gori

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Jagjit Gill, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

1. This petition has been filed by petitioner-Harpreet Singh @ Gori, under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 220 dated 23.07.2016 registered under Section 21C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Mandi Dabwali, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot and only 23 bottles of Corex Syrup were allegedly recovered from the possession of three boys travelling in a car on the basis of secret information. However, the quantity of each bottle was not disclosed in the FIR. Learned counsel also contends that the petitioner is in custody since 17.08.2016 and the charge has not been framed by the trial Court as yet, therefore, the petitioner deserves the concession of regular bail. In support of his contentions, learned counsel for the petitioner has placed reliance upon a judgment of this Court in **Inderjeet Singh @ Laddi**

and others Vs. State of Punjab, 2014(3) RCR (Criminal) 953.

3. On the other hand, learned State counsel vehemently opposed the submissions made by learned counsel for the petitioner. According to him each bottle was of 100 ml as is clear from the order dated 25.04.2017, passed by the learned Additional Sessions Judge, Sirsa, whereby the bail application filed by the petitioner was dismissed. He further contends that the recovery effected from the petitioner and his co-accused falls under the commercial quantity.

4. I have given my anxious consideration to the submissions made by learned counsel for the parties.

5. The petitioner was not apprehended at the spot at the time of alleged recovery of 23 bottles of Corex Syrup and was arrested later on. More so, the charge has not been framed as yet on account of non-receipt of FSL report. The petitioner is in custody since 17.08.2016. Therefore, the petitioner is at least deserves the concession of interim bail during the pendency of trial in view of **Inderjeet Singh @ Laddi and others' case (supra)**.

6. Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case and also that the trial is likely to take time, the instant petition is allowed and the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the Special Court.

July 13, 2017
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(RAMENDRA JAIN)
JUDGE