

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

CRM No.M-2492 of 2017 (O&M)
Date of Decision: February 01, 2017

Rakesh Kumar Sharma

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kailash Chander, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.137 dated 10.06.2016 under Section 21 of the NDPS Act registered at Police Station Civil Lines, Patiala.

Notice of motion.

On asking of the Court, Mr.Deepak Garg, Asstt. Advocate General, Punjab, who is present in the Court, accepted notice on behalf of the respondent-State and contested the petition.

At the very outset, learned counsel for the petitioner contended that in the Memo of Parties, the name of father of the petitioner has been mentioned as Deep Dass Sharma instead of Garib Dass Sharma inadvertently. Learned State counsel has not disputed this fact and also confirmed from the police file that the name of father of the petitioner is Garib Dass Sharma.

Therefore, name of father of the petitioner be read as Garib

Dass Sharma instead of Deep Dass Sharma. Registry is directed to make

necessary correction in the Memo of Parties.

Learned counsel for the petitioner argued that as per the prosecution version, 255 grams of heroin has been recovered from the petitioner i.e. 5 grams more than the commercial quantity.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

I have seen the police record, especially the ruqa, according to which, the heroin has been weighed along with the envelop. The weight of 255 grams also includes the weight of this envelop, which means that the recovery effected from the present petitioner falls under non-commercial quantity.

The petitioner is in custody since 10.06.2016. He is not required for custodial interrogation or investigation as he is in judicial custody. Nothing is to be recovered from him. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

February 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No