

208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38113-2017
Date of Decision :13.10.2017

Sikander Singh @ Sikanderi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner-Sikander Singh @ Sikanderi in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR no.39 dated 14.08.2017 registered at Police Station Amir Khas, District Ferozepur under Sections 21/61/85 of the NDPS Act are that on 14.08.2017 the police apprehended the petitioner driving the motorcycle and found Kishan Singh who was sitting on the pillion and from the pocket of the pants worn by him 250 grams of heroin was recovered.

The contention of the petitioner's counsel is that by virtue of Section 2(vii) of the NDPS Act the same falls under non-commercial quantity and that the petitioner is behind the bars since almost two months and recovery has not been effected from him.

Though, learned State counsel has stoutly opposed the bail application but the factual scenario is not disputed

Appreciating the submissions, since the alleged recovery falls

within non-commercial quantity and the own stand of the prosecution that the recovery has been made from the pocket of the pants worn by the pillion rider co-accused Kishan Singh and culpability, if any, shall be determined at the time of trial, which is not likely to conclude in near future, impels this court to allow the prayer made. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ferozepur.

Petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 13, 2017

Sunil Devi

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