

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

CRM -M-40058 of 2016 (O&M)

Date of decision: 16.01.2017

Gurtej Singh @ Teji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Goel, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 58 dated 15.04.2016, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 420 of IPC, at Police Station Dharamkot, District Moga.

It is contended that the present FIR was registered on the basis of ruqa (Annexure P-1) where the quantity of the tablets has been stated to be 1000 tablets of almax of 0.5 mg and 600 tablets of momolit whereas in the FIR, the quantity is reflected as 1100 tablets of almax, therefore, the learned counsel states that the case of the prosecution becomes doubtful. He further states that even if the whole weight of the entire tablets is considered even then it is a case

of marginally higher than the commercial quantity. A similar situated person was allowed bail by the Co-ordinate Bench of this Court, vide order dated 05.04.2016 (Annexure P-2). The petitioner is in custody since 15.04.2016.

On the other hand, learned State counsel opposes the bail application and submits that the incorrect reflection of the quantity in the FIR is a typographical mistake. He further submits that even if the quantity reflected in the FIR is considered, the same also falls under the commercial quantity.

I have heard learned counsel for the parties and perused the record.

Keeping in view the inconsistency in the FIR and ruqa and the fact that the petitioner is not involved in any other FIR, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of CJM/Duty Magistrate/trial Court.

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

17.01.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No