

207

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

CRM-M No.40243 of 2016

Date of Decision: 12.01.2017

GAGANDEEP

.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Karan Garg, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.17 dated 11.02.2016, registered under Sections 22/61/85 of the NDPS Act at Police Station Nahianwala, District Bathinda.

Allegations are that the police party was on checking and patrolling duty at T-point of village Killi Nihalsingh Wala. Petitioner was found coming with a gunny bag. On seeking the police party, he became perplexed and threw the gunny bag. He tried to run backwards. On suspicion, he was apprehended. 20 sealed vials of Onerex syrup containing 100 ml each were recovered from the possession of the petitioner, besides 250 tablets of Carisoma. One vial of Onerex syrup of 100 ml was separated as a sample and after necessary procedure, the sample was subjected to chemical examination. Besides the aforesaid recovery, cash amount of Rs.250 was also recovered from the right pocket of the petitioner. The chemical examination of one vial of the total bulk would be a debatable issue.

Learned counsel for the petitioner relied upon CRM-M No.33434 of 2016 titled "*Amarpal Singh @ Pal vs. State of Punjab*" in which the accused was granted bail in a case of 55 vials of Rexcof, each containing 100 ml after relying upon the order passed in CRM-M No.42099 of 2013. The alleged contraband Onerex and Rexcof are the derivatives of the same salt i.e. Codeine Phosphate.

Looking to the facts and circumstances of the case, more particularly one more case allegedly registered against the petitioner in which no challan has been presented, even after the period of more than two years, this Court is of the view that without meaning anything on the ultimate merit of the case, petitioner can be considered for grant of bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 12, 2017.

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No