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

CRM-M No.8636 of 2017

Date of Decision: 19.04.2017

JASVIR SINGH @ SHIRA

.....PETITIONER

Vs

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

On 15.03.2017, following order was passed by this

Court:-

“Learned counsel for the petitioner contends that petitioner is accused of offence under Section 22 of NDPS Act, wherein he was allegedly found in possession of 115 grams of intoxicant powder which was marginally in excess of the quantity meant for commercial quantity. Petitioner was granted interim bail till report from the FSL is received. Now FSL report has been received and as per report, Alpazolam

has been detected in the sample parcel and the regular bail of the petitioner has been dismissed and interim bail earlier granted has been cancelled. Learned counsel relies upon CRM-M No.3328 of 2017 titled Amar Kaur @ Thela Vs. State of Punjab to contend that the alleged contraband was marginally above the prescribed quantity of commercial nature and if the weight of envelope is deducted, the same may weigh less than the marginal quantity. Interim bail granted to the petitioner has not been misused by him, nor he is involved in any other case.

Notice of motion for 19.04.2017.

Till then, arrest of the petitioner is stayed.”

Learned State counsel on instructions from ASI Paramjit Singh submitted that the proclamation has been issued against the petitioner for 27.04.2017 and the petitioner was involved in one NDPS Act and one under Section 379 IPC in which the petitioner has been acquitted and convicted under Section 25 of the Arms Act.

The alleged contraband was marginally above than the non-commercial quantity.

Learned counsel for the petitioner contended that if

the weight of the envelope is deducted, the contraband may weigh less than the commercial quantity of the contraband. The interim bail granted to the petitioner has not been mis-used by him.

In view of above, I deem it appropriate to direct the petitioner to surrender before the trial Court within a period of 10 days. In the event of his appearance, trial Court shall admit him on regular bail subject to its satisfaction.

Disposed of.

April 19, 2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No