

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

Criminal Misc. No. M-15614-2018 (O&M)

Date of Decision: 20.09.2018

Surjit Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Onkar Rai, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J.

CRM-13475-2018

Application is allowed, subject to all just exceptions.

Criminal Misc. No. M-15614-2018

Petitioner Surjit Singh has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.230 dated 23.06.2017, registered at Police Station Phillaur, District Jalandhar (Rural), under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued. Learned State counsel appeared and contested the instant petition.

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

As per the allegation, 53 grams intoxicant powder containing salt Diphenoxylate Hydrochloride was recovered from the present petitioner. The commercial quantity qua this salt is more than 50 grams. I

have seen the police record. The recovered powder was not weighed on the digital scale and if it is weighed on the ordinary scale, there is every possibility that the quantity may fall in non-commercial category. Furthermore, there is also nothing whether the powder was weighed with the plastic envelope or not.

Keeping in view all these facts, I find that there are chances of recovered intoxicant falling in non-commercial quantity.

Challan has already been presented. The petitioner has been in custody since 23.06.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final 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, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.09.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No