

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-16094-2018

Date of Decision:22.10.2018

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Learned counsel for the petitioner has outrightly submitted that there is some typographical error in the head note and prayer of the petition. In fact, prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in FIR No.176 dated 02.09.2017 under Sections 22/25 of the NDPS Act, registered at Police Station Maur, District Bathinda and not the interim bail, as wrongly typed. He further states that the present petition be considered for the relief of regular bail.

He further states that the allegation against the petitioner is of recovery of 20 vials of Onerex Codeine Phosphate from his possession. The petitioner is in custody since 02.09.2017 and the case is at the stage of prosecution evidence. Only one witness has been examined so far.

Petitioner is not involved in any other case except the present one and trial

in the case is likely to take long time.

Learned State Counsel on instructions from ASI Pharminder Singh has argued that taking into consideration the recovery of 20 vials of 'Onerex', petitioner is not entitled for the relief of regular bail as the recovered quantity falls in commercial category.

In support of his contention, learned counsel for the petitioner has relied upon CRM-M-38662-2015, titled as Vishal Kumar @ Vishu Versus State of Punjab, decided on 10.12.2015, wherein while relying upon the order passed by this Court in CRM-M-42099-2013, titled as Pradeep Singh Versus State of Punjab, decided on 26.05.2014, this Court has admitted the accused on regular bail. In the case of Vishal Kumar @ Vishu (supra), recovery was 30 vials of Raxcoff Syrup and 200 tablets of Carisoma.

I have heard learned counsel for the parties.

The petitioner is in custody since 02.09.2017 and trial in the case is not likely to be concluded and may take long time. As against 12 witnesses cited by the prosecution, only one witness has been examined. No other case has been pointed out against the petitioner. Therefore, taking into consideration the orders passed by this Court in Pradeep Singh and Vishal Kumar @ Vishu's cases (supra), this Court deems it appropriate to allow the present petition and to admit the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

The petitioner shall also furnish an undertaking to the effect that he will not indulge in the similar activities again in future and in case he is found indulged in any such cases, the prosecution would be at liberty

to seek cancellation of his bail.

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

October 22, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No