

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

**CRM-M-20354-2018
Date of decision: 09.10.2018**

Iqbal Singh @ Ashok

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 208 dated 22.10.2017, registered under Section 22/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station City South, District Moga.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 24.10.2017 and he is not involved in any other case. It is further submitted that it will be a debatable issue whether the alleged recovery falls in the commercial quantity and the judgment of Hon'ble Supreme Court, rendered in ***Criminal Appeal No. 1880 of 2011, Mohan Lal vs. State of Punjab***, decided on 16.08.2018, will be applicable to this case as the informant and the Investigating Officer is the same person in the present case.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in custody since 24.10.2017; he is not involved in any other case also in view of the contentions notice above, instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqua Magistrate, concerned.

October 09, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No