

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2574-2018 (O&M)
Date of decision: 06.04.2018

Sukhwinder Singh @ Kala

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.176 dated 04.07.2015 under Sections 22/61/85 of NDPS Act, registered at Police Station Kapurthala City, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner was on interim bail awaiting report of Chemical Examiner, as per the order dated 13.07.2015. During the period, the petitioner remained on interim bail, he has not misused the concession of bail and was regularly appearing before the trial Court. It is further submitted that after receiving the report of Chemical Examiner, the interim bail was dismissed on 23.12.2016 and the petitioner moved an application for grant of anticipatory bail. In the meantime, the petitioner was declared as proclaimed offender vide order dated 08.09.2017 and later on, he was arrested on 04.10.2017. After arrest of the petitioner, the order

dated 08.09.2017, declaring him as proclaimed offender, was set aside by this Court vide order dated 09.01.2018 passed in CRM-M-42966-2017.

Learned counsel for the petitioner further submits that recovery effected from the petitioner is of 120 grams of narcotic powder, which is marginally higher than the non-commercial quantity. Counsel for the petitioner has relied upon **Hardeep Singh @ Deepa Vs. State of Punjab, 2016 (1) Law Herald 54**, wherein in identical circumstances, where the recovery was marginally higher than the non-commercial quantity, bail was granted.

Learned State counsel, on instructions from HC Mangal Singh, submits that charges have been framed, however, the prosecution evidence has not started.

Without commenting anything on merits of the case, considering the fact that the petitioner was on interim bail awaiting report of Chemical Examiner, granted by the trial Court and later on, he is in judicial lockup since 04.10.2017 and is not involved in any other case; recovery from him is marginally higher than the non-commercial quantity, present petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail bonds and surety bonds of two persons, out of which one person should be member of Panchayat/Numberdar or relative of the petitioner, to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.04.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No