

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

CRM-M-34575-2018 (O&M)

Date of Decision:- 16.10.2018

Parminder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.B.S.Dhillon, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Parminder Singh has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.206 dated 5.12.2017, Police Station City, Roopnagar initially in respect of offence punishable under Sections 323, 341, 506 read with Section 34 IPC wherein Section 307 IPC and Sections 21 and 22 NDPS Act were added later on.

The allegations, in nutshell, are that on the day of occurrence, the petitioner along with his co-accused waylaid the complainant and gave severe beatings to him. Consequently, the aforesaid FIR was lodged for offence under Sections 323, 341, 506 read with Section 34 IPC. On the next day i.e. on 6.12.2017, the police recorded a supplementary statement of the

complainant wherein he stated that the petitioner who was driving the car, by reversing the car once had tried to run over the complainant with an intention to kill him. Consequently, offence under Section 307 IPC was added. Thereafter when the petitioner was arrested, his personal search is stated to have yielded recovery of 100 grams of Alprazolam and consequently offences punishable under Section 21 and 22 of NDPS Act were also added.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and the manner in which the offence under Section 307 IPC and offences under Sections 21 and 22 of NDPS Act have been added, clearly show that the complainant with the help of the police officials is desperately trying to implicate him in severe offences.

On the other hand learned State counsel has submitted that in view of the nature of allegations and also in view of the fact that the petitioner is also involved in 8 IPC cases, no ground for grant of regular bail is made out.

Having considered the rival submissions addressed before this Court, I find that the manner in which the offence under Section 307 IPC was added on the supplementary statement of the complainant on the very next day of lodging of the FIR would surely reflect on the veracity of his statement. As regards the recovery of 100 grams of Alprazolam is concerned, I find that as per Section 2 (vii)(a) of the Act, which defines the 'commercial quantity' in relation to the recovery of the narcotic and psychotropic substances, it is the quantity, greater than the quantity specified

in the notification, issued by the Central Government which would qualify to be termed as ‘commercial quantity’. It would certainly be a debatable issue as to whether the recovery falls within the commercial quantity or not. Bearing in mind the fact that the petitioner has been behind bars since the last more than 10 months, in my opinion no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. Petitioner Parminder Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Rupnagar.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

October 16, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No