

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35512 of 2018
Date of Decision: 29.10.2018

Subhash Chand Rana

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.37 dated 06.06.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Badali Ala Singh.

Heard.

Learned State counsel submits that the petitioner was arrested in this case on the disclosure statement of co-accused, namely, Kamaljeet Singh @ Kamal, from whom 12 injections of 'Buprenorphie' were recovered. He has stated that injections were purchased by him from the petitioner. On arrest of the petitioner, 10 injections of 'Buprenorphine' were also recovered from possession of the petitioner.

Learned counsel for the petitioner submits that quantity of contraband recovered from the petitioner falls in non-commercial quantity.

Learned State counsel while countering submission of learned

counsel for the petitioner submits that quantity of injections recovered from co-accused, Kamaljeet Singh @ Kamal, and petitioner when clubbed makes it a commercial quantity.

The petitioner was arrested in this case on 08.06.2018 i.e. two days after the recovery of injections effected from Kamaljeet Singh @ Kamal, as such, recovery of injections effected from the petitioner cannot be clubbed with recovery of injections effected from his co-accused, Kamaljeet Singh @ Kamal, which remains non-commercial quantity. Allegation that Kamaljeet Singh @ Kamal had purchased the contraband recovered from him from the petitioner is a matter of evidence to be produced before the trial Court.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed and order dated 23.08.2018 allowing interim bail to petitioner is made absolute, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 29, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No