

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

Hemlata
2018.03.13 16:56
Attest to the accuracy and
integrity of this document

CRM-M-39677-2017 (O&M)

Date of decision: 12.03.2018

Kulwant Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-8868-2018

Prayer in this application is for placing on record the copy of
FIR No.64 dated 17.06.2016 as Annexure P-3.

Application is allowed, subject to all just exceptions. Annexure
P-3 is taken on record.

CRM-M-39677-2017

Prayer in this petition is for grant of regular bail under Section
439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No. 103
dated 11.09.2017 for offence under Section 22 of the NDPS Act, registered
at Police Station Koom Kalan, District Ludhiana.

Counsel for the petitioner has submitted that as per allegation
in the FIR, recovery of 260 grams of heroin is to be effected from the
petitioner and while effecting the recovery, weight has been taken along
with polythene bag and it will be a debatable issue whether the same falls in
the commercial quantity or not. Learned counsel for the petitioner further
submits that the report of Forensic Science Laboratory (FSL) is still awaited

and the petitioner is in judicial lock-up for the last about 05 months. It is also submitted that the petitioner has already granted regular bail in another FIR i.e FIR No.64 dated 17.06.2016 under Section 22 of the NDPS Act registered at Police Station Koom Kalan, District Ludiana.

Learned State counsel, on instructions from ASI Kamaljit Singh, has not disputed this fact that the FSL report is still awaited and the case is now fixed before the trial Court for today i.e. 12.03.2018 for framing of charges.

Without commenting anything on merits of the case and considering the fact that the recovery effected from the petitioner is marginally higher than the commercial quantity; the petitioner is in judicial lock-up for the last about 5 months; the FSL report is still awaited and charges are yet to be framed, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner .

(ARVIND SINGH SANGWAN)
JUDGE

12.03.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No