

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

CRM-M No.40112 of 2017 (O&M)
Date of Decision: 16.08.2018

Malkiat Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vipul Jindal, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.148 dated 28.08.2014 registered under Section 22 of the NDPS Act at Police Station Kotwali, Kapurthala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, actually he was not involved. There is violation of Sections 50 and 42 of the NDPS Act. The alleged recovery is 150 grams of *alprazolam*. However, out of total quantity, only a sample of 5 grams was taken instead of minimum requirement of taking two samples. Learned counsel also submits that under similar circumstances, one Karamjit Kaur @ Akki filed **CRM No.M-8272 of 2017**, where the recovery was also 150 grams of *alprazolam* and the same was allowed vide order dated 18.05.2017.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that he is a habitual offender as he is involved in two more cases, out of which, he is on bail in one case and in one case, he is a convict but has undergone the sentence.

Keeping in view the submissions made by learned counsel for the petitioner and by considering the alleged recovery, which is 150 grams of *alprazolam* and regular bail has been granted to similarly situated accused Karamjit Kaur @ Akki and also the fact that in one case, the petitioner is on bail and in one case, he has already undergone the custody; the Co-ordinate Bench has also granted the benefit of regular bail in case FIR No.71 dated 27.06.2016 in **CRM No.M-13538 of 2017** titled as Karamjit Kaur @ Akki vs State of Punjab, the present petition is allowed and petitioner, namely, Malkiat Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in some other case of NDPS Act, the State is at liberty to move an application for cancellation of his bail.

(DAYA CHAUDHARY)
JUDGE

16.08.2018
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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No