

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-44174-2018

Date of Decision:25.10.2018

Gurbhinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.88 dated 29.04.2017 under Section 22 of the NDPS Act, registered at Police Station Lambi, Sri Muktsar Sahib, District Sri Muktsar Sahib.

The alleged recovery from the petitioner is 150 tablets of Carisoma and 15 vials of cough syrup Onerex 100 ml each. He states that so far as recovery of Carisoma tablets is concerned, it does not fall under the NDPS Act. For the recovery of 15 vials of Onerex, learned counsel for the petitioner relies upon the order dated 22.10.2018 passed by this Court in CRM-M-16094-2018 (**Gurpreet Singh Versus State of Punjab**), wherein the accused who was found in possession of 20 vials of Onerex was granted bail. He further states that there is no other case against the petitioner and

he is in custody since 19.04.2018.

Learned State Counsel does not dispute the recovery. However, he states that taking into consideration the recovery of 15 vials of 'Onerex', petitioner is not entitled for the relief of regular bail as the recovered quantity falls under commercial category. On instructions from the Investigating Officer, he states that there is no other case against the petitioner.

I have heard learned counsel for the parties.

Considering the order dated 22.10.2018 passed by this Court in CRM-M-16094-2018, coupled with the fact that the petitioner is in custody since 19.04.2018 and trial in the case is not likely to be concluded in near future as it may take a long time, this Court deems it appropriate to allow the present petition and to admit the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

The petitioner shall furnish an undertaking to the effect that he will not indulge in the similar activities again in future and in case he is found indulged in any such cases, the prosecution would be at liberty to seek cancellation of his bail.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

October 25, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No