

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-47927-2018

Date of Decision: November 21, 2018

Prabhjeet Singh

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Munish Gulati, Advocate for the petitioner(s).

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Raj Shekhar Attri, J. (Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.3 dated 15.02.2018 registered for the offences punishable under Section 21 of the NDPS Act, 1985 at Police Station Sadar Pathankot, District Pathankot.

Heard.

Learned counsel for petitioner submits that 190 grams of *heroin* has been recovered from the petitioner, which is non-commercial quantity.

Learned State counsel submits that upto 250 grams of *heroin* falls within non-commercial quantity. The petitioner was arrested on 15.02.2018 and no other case is pending or registered against the petitioner. He also submits that 4 grams *heroin* was also recovered from co-accused Jyoti, who has been declined bail by the Co-ordinate Bench vide orders dated 07.05.2018, passed in **Criminal**

Misc. No.14385 of 2018 titled as Jyoti Rani Vs. State of Punjab. Beside another FIR No.86 dated 19.12.2016 under section 22 of the NDPS Act, 1985 has also been registered against her at Police Station Divison No.1, Pathankot. As such, the case of the present petitioner is distinguishable from that of co-accused Jyoti.

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. Petitioner-Prabhjeet Singh son of Jaspal Singh, is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

November 21, 2018
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[RAJ SHEKHAR ATTRI]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No