

**Sr. No.215
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-737 of 2018 (O&M)

Date of Decision: 16.01.2018

Babaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S.Kahlon, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.87 dated 22.05.2012, under Sections 22/29/61/85 of NDPS Act and Sections 25/54/59 of Arms Act, registered at Police Station Sadar, Amritsar City, District Amritsar.

Counsel for the parties have been heard.

As per prosecution version, an alleged recovery of a country made pistol 12 bore, certain live cartridges as also 300 grams of intoxicant powder was effected from the petitioner as also two other co-accused.

As per report of the Chemical Examiner, the intoxicant powder was found to be containing the salt of Dextropropoxyphene.

In view of the non-commercial quantity allegedly

recovered, petitioner was granted benefit of bail.

Apparently, petitioner did not associate with the trial proceedings and having absented therefrom was declared a proclaimed offender.

Be that as it may, petitioner is stated to have surrendered on 01.06.2017 and has faced incarceration since then.

State counsel upon instructions from HC Paljinder Singh apprises the Court that the trial is still at the initial stage.

It has also gone uncontroverted that the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the alleged recovery being non-commercial in nature and the factum that the petitioner had himself surrendered on 01.06.2017, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Amritsar.

Disposed of.

16.01.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No