

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

207

CRM-M NO.8313 OF 2018

DATE OF DECISION: MAY 11, 2018

Sarabjit Singh @ Saba

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr.DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

The petitioner has filed the present petition for grant of regular bail in case FIR No.141, dated 08.10.2017, registered under Sections 21/22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “the 1985 Act”) at Police Station Kamboj, District Amritsar.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 08.10.2017 and charge has been framed with one witness examined out of nine cited witnesses. His further submission is that 255 grams of heroin is alleged to have been recovered, which is marginally higher than the non-commercial quantity as per the 1985 Act. He also states that as is apparent from the FIR, while weighing, wrapper i.e. plastic cover was also weighed alongwith the contraband and, therefore, it is a question

which has to be decided as to whether it was actually the commercial quantity or not. That apart, he states that the trial is not likely to conclude soon and there is no other case registered against the petitioner except the present one.

Counsel for the State, on instructions from ASI Rajbir Singh, Police Station Kamboj, District Amritsar, could not dispute the assertions made by counsel for the petitioner. He, however, states that since the matter is of commercial quantity, the concession of bail be not granted to the petitioner.

Having heard the submissions made by counsel for the parties and keeping in view the fact that quantity of contraband, which has been recovered from the petitioner, is marginal higher than the prescribed non-commercial quantity and the petitioner is in custody since 08.10.2017 with the trial not likely to conclude in near future, the present petition is allowed. The petitioner is directed to be released on bail on his furnishing personal and surety bonds to the satisfaction of Trial Court concerned. However, it will be open to the trial Court to impose any stringent conditions so as to secure the presence of the petitioner.

Any observation made herein above shall have no bearing on the merits of the case during the trial in any manner.

May 11, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No