

211

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

**CRM-M No.8806 of 2018
Date of Decision: 20.03.2018**

DEEPPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anutej Singh Barnala, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.284 dated 12.09.2017, registered under Sections 21, 22/61/85 of the NDPS Act at Police Station City Barnala, District Barnala.

Prosecution story started with the allegations that when the police party was on patrolling duty for checking of suspicious persons, a man and two women were seen standing near a motorcycle. They had kept a bag on the motorcycle and were searching it. On suspicion, the patrolling car was stopped and all the three persons were apprehended. They disclosed their names as Deep (petitioner), Kali Kaur and Jeet Kaur. Nine

narcotic bottles marked as Onerex and three bottles marked as U-Lintus weighing 100 ml. each, besides 9 strips of intoxicant pills make Carisoma containing 10 tablets in each strip i.e. total 90 tablets were allegedly recovered.

As per FSL report, the contents of bottles were found to be containing Codeine Phosphate and Triprolidine Hydrochloride. The average quantity of ingredients of tablets Carisoma were found to be weighing 348.67 mg/tablet and the ingredient was found to be Carisoprodol. The said ingredient was not covered under Schedule of NDPS Act whereas Codeine is found to be mentioned at serial no.28 of the Schedule and the quantity upto 1 kgs. is the outer limit for non-commercial quantity.

Learned counsel for the petitioner submitted that the petitioner was arrested on the spot on suspicion along with other co-accused, when they were found standing around the motorcycle. The motorcycle in question belongs to the brother-in-law of petitioner i.e. husband of Jit Kaur namely Vicky. Petitioner is real brother of Jit Kaur, who has been granted regular bail by this Court vide order dated 02.02.2018 passed in **CRM-M No.46903 of 2017**. Co-accused Kali Kaur has also been granted regular bail vide order dated 24.04.2018 passed by this Court in CRM-M No.968 of 2018.

Learned State counsel on instructions from ASI Jasbir Singh submitted that the petitioner is not involved in any other case. Challan has already been presented on 10.11.2017 and charges have been framed.

I have considered the submissions made by learned counsel for the parties.

It would be debatable as to the recovery whether effected from the conscious possessing of the petitioner alone or otherwise. Petitioner is in custody since 12.09.2017.

At this stage, without adverting to the merits of the case and looking to the aforesaid status of case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 20, 2018

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Whether speaking/reasoned
Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No
Yes/No