

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No.M-2862-2019

Date of decision : 15.05.2019

Raj Singh alias Raju

.....Petitioner

versus

State of Punjab

...Respondent

Crl. Misc. No.M-7827-2019

Sham Singh @ Shama

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Parvesh Sachdeva, Advocate
for the petitioner (in CRM-M-2862-2019)

Mr. Aditya Sanghi, Advocate
for the petitioner (in CRM-M-7827-2019)

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

By this order, CRM-M-2862-2019 and CRM-M-7827-2019
shall stand disposed of.

Prayer in the present petitions is to grant regular bail in FIR
No.37, dated 21.08.2018, registered under Section 15 of Narcotic Drugs and
Psychotropic Substances Act, 1985, at Police Station Khui Khera, District

Fazilka.

Learned counsels for the petitioners assert that the petitioners were not in conscious possession of the narcotic. It has further been asserted that the recovery is little bit above the minimum quantity required for commercial category. They also submit that the narcotic was weighed along with the bag. They have also drawn attention of the Court to the fact that Balwinder Singh @ Khundri, who was driving the vehicle from where the recovery was made, has already been granted regular bail. Counsels for the petitioners have also asserted that the petitioners are in custody since 24.08.2018 and they are not involved in any other case. The vehicle in which the petitioners were travelling and recovery was made does not belong to the petitioners.

On the other hand, learned counsel appearing for the State of Punjab has submitted that the recovery from the car in question falls in commercial category and even if weight of the packet/bag is excluded, still it would fall in the category of commercial.

The contentions raised by learned counsels for the parties are debatable. It would not be proper for this court to express any opinion or give any finding on merits. Investigation is complete, challan has been presented, charges have been framed. Only one witness has been examined out of 9.

Without commenting on the merits of the case and keeping in view the fact that the petitioners in both the cases are in custody since 24.08.2018 and the hearing of the case is likely to take a long time, the petitioners in both the cases are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the concerned trial Court.

Accordingly both the petitions are allowed with the aforesaid
directions.

May 15, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No