

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3250-2019 (O&M)
Date of Decision:- 29.1.2019

Prince Harpreet Singh @ Prince ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.195 dated 6.9.2018 at Police Station City South Moga, District Moga under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution, in nutshell, is that on the day of occurrence, the petitioner and his co-accused Gurcharan Singh, who were riding a motorcycle, were apprehended by the police and while search of the petitioner yielded recovery of 200 grams of 'Tramadol Hydrochloride' powder, the search of the co-accused Gurcharan Singh yielded recovery of 300 grams of 'Tramadol Hydrochloride' powder.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact he was picked up by the police one day prior to the lodging of FIR, which is

evident from the CCTV footage collected from a CCTV camera installed outside the residence of the petitioner. The learned counsel has further submitted that, in any case, the recovery attributed to the petitioner is intermediate quantity and that he cannot be attributed conscious possession of the contraband allegedly recovered from the possession of co-accused.

Opposing the petition, the learned State counsel has submitted that since the petitioner as well as co-accused Gurcharan Singh were riding the same motorcycle and that the total quantity recovered from both the accused i.e. 500 grams (200 grams + 300 grams) of 'Tramadol Hydrochloride' powder falls within the category of 'commercial quantity', no case for grant of bail is made out.

Having considered rival submissions addressed before this Court, I find that it would be debatable as to the petitioner can be attributed conscious possession of the contraband allegedly recovered from his co-accused. The challan, in any case, has already been presented and charges are yet to be framed. As such, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition is accepted. The petitioner Prince Harpreet Singh @ Prince is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

29.1.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No