

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

238

CRM-M-12354 of 2019

Date of decision : 09.09.2019

Gurjant Singh @ Jantu

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. K.S. Dhaliwal, Advocate and
Mr. KPS Virk, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. A.G., Punjab

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.43, dated 12.04.2017, under Sections 21 and 22 of the NDPS Act, registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contends that allegations against the petitioner are that intoxicant tablets containing 52.92 grams of Diphenoxylate Hydrochloride were allegedly recovered from him, which is marginally higher than the threshold of 50 grams of commercial quantity. He also contends that the petitioner had earlier been granted bail by the trial Court but he had wrongly noted the date and his bail bonds were cancelled and thereafter, he had surrendered before the trial Court within four days. The petitioner is in custody for over a year and is not involved in any other case under the NDPS Act. He has also relied upon the judgments of the Coordinate Benches of this Court in the case of **Sera Singh versus State of Punjab, 2014(5) RCR (Criminal) 36** and in the case of **Binderpal Singh versus State of Punjab**, passed in CRM-M-24502 of 2018 on 29.08.2018 wherein regular bail was granted to petitioners therein as the recovery was marginally higher than commercial quantity.

Learned State counsel, upon instructions from ASI Surender Singh, states that 03 out of 09 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, the orders of the Coordinate Benches of this Court, the recovery being marginally higher than the commercial quantity, the petitioner being in custody for over a year, he is not involved in any other case under NDPS Act and the conclusion of the trial likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 09, 2019

sonia gugnani

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