

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11460-2019

Date of decision: 18.03.2019

Lovepreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.17 dated 01.02.2018 under Sections 21/22 of NDPS Act, registered at Police Station Verowal, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, when the police apprehended the petitioner along with co-accused Gurjinder Singh, a Gazetted Officer was called at the spot to give separate notices to both of them and first he conducted search of Gurjinder Singh and recovered 260 grams of heroin from him. Thereafter, search of the petitioner was conducted by the Gazetted officer and 105 intoxicant tablets were recovered from him. It is further submitted that as per the FSL report, recovery from the petitioner is of 13.5 grams of Alprazolam and the same will fall in non-commercial quantity and while rejecting bail of the petitioner, the trial

Court has considered that if the recovery from both the accused is taken together, the same will fall in commercial quantity, as recovery from the co-accused is 260 grams of heroin.

Learned counsel for the petitioner further submits that the petitioner is in custody for the last 01 year, 01 month and 14 days and is not involved in any other case and the case is at the stage of framing of charge and it will take some time in conclusion of the trial.

Learned State counsel, on instructions from ASI Ranjeet Singh, could not dispute the factual position.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in custody for the last more than 01 year; individual recovery from him of non-commercial quantity and he is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.03.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No