

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

**CRM-M-11810-2019
Date of decision: 19.03.2019**

Deepak Kumar @ Deepu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Bawa, Advocate
for the petitioner.

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

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 170 dated 28.05.2014, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Chheharta, Amritsar City, District Amritsar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party, while on patrol duty, intercepted a private vehicle and found that two persons were sitting on that motorcycle. After both the persons disclosed their identity, the Investigating Officer/ASI conducted the search of both the persons in which 20 grams of heroin were recovered from the petitioner and from co-accused Gurwinder Singh @ Gurwinder, 260 grams of intoxicant powder were recovered.

Learned counsel for the petitioner further submits that the proper procedure prescribed under Section 50 of the NDPS Act was not followed and the petitioner was granted interim bail by the trial Court

awaiting the FSL report on 18.07.2014 and the FSL report has been received only in February, 2019. It is further submitted that during the period of interim bail, the petitioner has not misused the same.

It is further submitted that it will be a debatable issue whether the recovery effected from the petitioner would fall in the commercial quantity or not.

Learned State counsel filed custody certificate which is taken on record. He has not disputed the factual position as submitted by learned counsel for the petitioner. As per custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

19.03.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No