

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

223

CRM-M-18477-2019 (O & M)
Date of Decision:30.04.2019

Karanpreet Singh @ Karna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.V.S. Chugh, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Karanpreet Singh @ Karna has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.12 dated 17.02.2019, under Section 22/61/85 of the NDPS Act, registered at Police Station Jaurkian, District Mansa.

Petitioner is in custody since his arrest on 17.02.2019.

As per the FIR (Annexure P-1), when the police party was on a patrol duty, a check post was set up near Bus Stand, Jagatgarh Bandar, and started checking vehicle and suspected person. During that exercise, a person was seen coming on foot, holding a polythene bag in his right hand. On seeing the police party, he got perplexed and tried to escape. The polythene bag, which he was carrying in his right hand, contained 15 strips having 10 tablets each i.e. total 150 tablets of Narcotics, out of which 5 strips Tredol-100 – Tramadol Hydrochloride Tablets 100 mg and 10 strips of Pindol Forte-Tramadol Hydrochloride and Domperidone tablets.

Learned counsel for the petitioner has contended that the recovered contraband falls within the category of non-commercial quantity. According to him, the Special Court while declining the bail, has found the quantity to be non-commercial but refuse to extend the concession of bail on the ground that recovery is quite heavy one nearing the threshold of commercial category. It is contended that investigation of the case is complete; challan stands filed and charges have also been framed on 12.04.2019.

On the other hand, the bail application is opposed by the learned State counsel as the offence is of grave nature. However, it is not disputed that the petitioner is not involved in any other case of similar nature.

Considering the above background, further detention of the petitioner may not be justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

30.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No