

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

**CRM-M No.22636 of 2019
Decided on: 06.11.2019**

Gurpreet Singh @ Gopy

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Arpandeep Narula, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.193 dated 24.12.2018, for offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station Ding, District Sirsa.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the petitioner was apprehended with 140 grams of Heroin, which falls in the non-commercial quantity. It is further submitted that there were 04 occupants of the car and the recovery was effected from the dashboard of the car, therefore, it will be a debatable issue to be decided during the course of trial regarding the conscious possession of the recovery. It is also submitted that the petitioner is in custody for the last more than 10 months and he is not involved in any other case.

Counsel for the State, on the basis of the Custody

Certificate dated 05.11.2019 and on instructions from ASI Kishori Lal, has not disputed the factual position, however, it is submitted that challan stands presented and only 02 prosecution witnesses have been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; he is not involved in any other case; the recovery is of non-commercial quantity and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.11.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No