

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30672 of 2019
Date of Decision: 17.09.2019

Satnam Singh @ Sattu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Divjyot Singh Sandhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.35 dated 27.01.2018 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sultanpur Lodhi, District Kapurthala.

Heard.

As per case of prosecution, a plastic bag containing intoxicating powder was recovered from possession of the petitioner, which was weighed on an electric scale and found to be 260 gms.

Learned counsel for the petitioner submits that the investigator has not detailed the manner of weighing the narcotic powder and the brand of electronic weighing scale used by him. A slight error in the weighing scale may give the weight of less than 250 gms. of powder as more than 250 gms. and in this case recovery of intoxicant powder is alleged to be of 260 gms. It will be a matter for the trial Court to adjudge all these facts on the

basis of evidence produced before it.

Learned State counsel on instructions from ASI Balwinder Singh submits that the petitioner has been convicted and sentenced in another case under the NDPS Act to undergo rigorous imprisonment for two years in the year 2005.

The contraband recovered from the petitioner is alleged to be slightly more than the commercial quantity. It will be a matter for the trial Court to look into the details of weighment and weighing scale used while ascertaining the quantity of contraband. The petitioner was arrested on 27.01.2018 and was released on interim bail on 21.04.2018. Thereafter, he was again taken into custody after receipt of report of FSL on 24.09.2018 and is in custody since then.

Without expressing any opinion on merits of the case; keeping in view above facts; that the quantity of contraband recovered from the petitioner will be a debatable issue before the trial Court and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Satnam Singh @ Sattu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

September 17, 2019
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No