

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

**Crl. Misc. No.M-48253 of 2019 (O&M)
Date of Decision: December 04, 2019**

Bohar Singh

.....PETITIONER.

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Gurpreet Khatra , Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab.

SURINDER GUPTA, J.(Oral)

CRM-37379-2019

Heard.

This is application for amendment of the main petition.

Learned counsel for the applicant/petitioner submits that there are some clerical mistakes in the main petition, which have now been rectified.

Application is allowed. Amended petition is taken on record.

CRM-M-48253-2019

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.111 dated 15.05.2018 registered for the offence punishable under

Station City Faridkot, District Faridkot.

As per the case of prosecution, the petitioner was apprehended on 15.05.2018 and recovery of 700 tablets of 'Tramadol' and 100 tablets of 'Etizol' was effected from his possession.

Learned State counsel on instructions from ASI Manjeet Singh submits that total weight of Tramadol tablets, as per report of FSL comes out 252.413 grams as average weight of one tablet was found to be 360.59 mg.

Learned counsel for the petitioner submits that FSL report mention average weight of tablet sent for analysis. In the event of slight variation of weight of remaining tablets, total weight of all tablets will be below 250 grams, which falls in non-commercial quantity of narcotic.

The weight of the contraband recovered from the petitioner will be an arguable point before the trial Court. The FSL report describes the average weight on the basis of number of tablets sent to it for examination and not of all the tablets. A slight variation may bring the total weight of tablets below 250 grams, which falls in non commercial quantity of contraband.

Keeping in view the above facts but without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner Bohar Singh is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 04, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***