

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

**CRM-M-37366-2019
Date of decision: 01.11.2019**

Sukhvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Sonia G. Sandhu, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, 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. 49 dated 11.04.2019, registered under Sections 15/18/27 of the NDPS Act, 1985 at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 13.04.2019 and the investigation is complete.

Learned counsel for the petitioner further submits that it will be a debatable issue to be decided during the course of trial whether the recovery effected from the petitioner would fall under the definition of narcotic substances.

Learned State counsel has filed the affidavit of SHO/SI, Police Station Nangal, District Rupnagar and as per the same, which is based on the report dated 30.09.2019 issued by the FSL, Mohali, it is stated that since samples received pertain to poppy seeds, poppy pods and poppy plants,

therefore, quantity of Morphine is not required in these samples as none of the samples received was containing opium.

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 petitioner and also in view of the above affidavit of the Investigating Officer, 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.

01.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No