

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

**CRM-M No. 38055 of 2019
Date of Decision:-30.09.2019**

Harpartap Singh @ Rinka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Paviterdeep Bhinder, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Harpartap Singh @ Rinka has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 38 dated 11.7.2018 under Section 21/22/ of NDPS Act, registered at Police Station Jhander, District Amritsar. The petitioner is in custody since his arrest on 11.7.2018.

As per FIR, on 11.7.2018 when the police party was present at the link road, Arvinda Village, Lashkari Kangal side 'T' point leading from Arvinda Village Kotli Shakka to Amritsar side near village Kotli Shakka in a private car for patrolling duty and checking of vehicles, then at about 6.20

pm one young man came on the motor-cycle (Hero Honda Splendor) bearing registration No.PB-02BA-5372 from the side of Lashkari Nanga, who was stopped by the police for checking. The driver of the motor-cycle disclosed his name as Harpartap Singh @ Rinka (petitioner) and in the meantime, Harpartap Singh @ Rinka threw one weightful substance in the paddy fields, which was wrapped in some cloth and was kept hidden in between the head light and speedometer of the motor-cycle. On checking total 1260 intoxicant tablets (biscuit colour) were recovered from the polythene envelop.

Learned counsel for the petitioner contends that only two witnesses have been examined so far out of total 08 witnesses and the petitioner is in custody for the last more than a year. According to him the recovered contraband (tablets) were of biscuit coloured, however, the tablets, when sent to the FSL for analysis, were described as orange coloured. He has produced the copy of FSL Report to contend that there is material flaw in the prosecution case. He further submits that there is no other case pending against the petitioner.

On the other hand, the prayer is opposed by learned State counsel who is assisted by ASI Suresh Kumar on the ground that the recovered tablets falls within the commercial quantity and therefore, the prayer on behalf of petitioner deserves to be dismissed. However, it is not disputed that there is variation in the colour of the tablets as contended by the counsel for the petitioner.

Considering the above background and custody of the

petitioner, this Court does not find any reason to further detain the petitioner. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Amritsar.

The petition is allowed.

September 30, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No