

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

252

CRM-M-46363-2019

Date of decision : 03.12.2019

Gurpreet Singh @ Bablu

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Abhiraj Singh Baweja, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.56 dated 24.08.2018 under Section 22 of the NDPS Act, registered at Police Station Sanaur, District Patiala.

Learned counsel for the petitioner contends that it is alleged that intoxicant tablets containing 64 grams of *Diphenoxylate Hydrochloride* were allegedly recovered from the scooter being driven by the petitioner. He further contends that although the recovery was effected in a broad day light at a public place but there is no independent witness. He also contends that co-accused, namely, Balwinder Singh @ Babbu has been granted regular bail by this Court in **Criminal Misc. No.M-57255 of 2018**, on 19.09.2019. The petitioner is in custody for over one year and three months and is not involved in any other case under the NDPS Act. He has also relied upon the judgments of the Coordinate Benches of this Court in the cases of **Sera Singh versus State of Punjab, 2014(5) RCR (Criminal) 36, Binderpal Singh versus State**

of Punjab, passed in CRM-M-24502 of 2018 on 29.08.2018, **Gurpreet Singh @ Gopi** passed in CRM-M-601 of 2018 on 22.03.2018 and **Gurpreet Singh alias Guri vs. State of Punjab** passed in CRM-M-51005 of 2018 on 26.11.2018 wherein regular bail was granted to petitioners therein as the recovery was marginally higher than commercial quantity.

Learned State counsel, upon instructions from ASI Daljit Singh, contends that 06 out of 10 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner, the orders of the Coordinate Benches of this Court, the recovery being marginally higher than the commercial quantity, the petitioner being in custody for over one year and three months, he is not involved in any other case under the NDPS Act, and the conclusion of the trial is likely to take sometime, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 03, 2019

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No