

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47998-2019

Date of Decision : November 18, 2019

Tarlok Singh		Petitioner
	Versus	
State of Punjab`		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.06 dated 23.1.2019 under Sections 22/61/85 of the NDPS Act, 1985, registered at Police Station Bahawwala, District Fazilka.

Counsel for the petitioner relies upon the order dated 30.9.2019 passed in CRM-M-23975-2019, vide which co-accused-Gurcharan Singh @ Mannu was granted the concession of regular bail by passing the following order :-

“I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

As per prosecution version, allegedly petitioner was found in possession of one thousand white coloured loose tablets and in terms of report

of Regional FSL, Bathinda, "Tramadol Hydrochloride" salt was detected in the above said white coloured tablets. Allegedly, average weight of one tablet was 342.12 miligram and as such petitioner allegedly possessed 342.12 grams of above said contraband. Salt "Tramadol Hydrochloride" of more than 250 grams is commercial in nature. In the instant case, alleged recovery of contraband is marginally more than commercial quantity. Petitioner is in custody since 23.01.2019. He is not required for any investigation or interrogation purposes. Challan has already been presented in the Court. Trial has already commenced. Since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and, thus, he deserves the concession of bail.

As a sequel to above said discussion, for the foregoing reasons, but without commenting on the merits of the case, instant application for grant of bail moved by petitioner-Gurcharan Singh @ Mannu is allowed and he is ordered to be released on bail on his furnishing personal bond/surety bond(s) to the satisfaction of trial Court/Duty Court concerned."

Counsel for the petitioner further submits that the recovery effected from the petitioner is identical to that of his co-accused; the petitioner is not involved in any other case; he is in

custody since 25.1.2019; challan stands presented and the charges have been framed.

Learned State counsel has filed the custody certificate and has not disputed the above-mentioned factual position.

Without commenting anything on the merits of the case, considering the aforesaid submissions made by counsel for the petitioner and considering the fact that co-accused of the petitioner has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

November 18, 2019
satish

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO