

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61529-2018

Date of Decision: 11.01.2019

Baljinder Singh @ Mattu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Subhash Kumar, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Baljinder Singh @ Mattu has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.4 dated 04.01.2018, registered at Police Station Sadar Nakodar, District Jalandhar, under Section 22 of the NDPS Act, 1985.

Notice of motion has been issued.

Learned State counsel appeared and contested the instant petition.

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

In the present case, 105 grams intoxicant powder containing Alprazolam was stated to be recovered from the present petitioner which was contained in the plastic envelope. Though in the ruqa, it was written that powder was weighed with the help of digital scale, but the recovery memo nowhere shown or nothing it is clear whether this powder was weighed along with the plastic envelope or not. It looks that the recovery

may fall in non-commercial category.

The petitioner is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case may take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the recovery effected from the petitioner and in view of the facts and circumstances of the present case, it is still debatable whether the recovery effected from the present petitioner falls in commercial or non-commercial category; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.01.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No