

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

CRM-M-48812-2019

Date of Decision : November 22, 2019

Gurpreet Singh alias GopiPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Joginder Pal Devgan, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, 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.136 dated 30.9.2014 under Section 22 of the NDPS Act, registered at Police Station Harike, District Tarn Taran.

Counsel for the petitioner submits that the petitioner is in custody for the last 10 months and no other case is pending against him. He further submits that as per the allegations in the FIR, the police has already apprehended the petitioner on suspicion when an offer was given to be searched before a Magistrate or a Gazetted Officer, the petitioner reposed confidence in the Investigating Officer. Thereafter, 70 grams of heroin was recovered from the petitioner.

Counsel for the petitioner has further submitted that though it will be an issue to be decided during the trial whether the proper procedure was followed or not. However, the recovery of 70 grams of powder fell under the non-commercial quantity while dismissing the bail to the Additional

Sessions Judge, has wrongly observed that it is a commercial quantity.

Learned counsel, on instructions from ASI Bakshish Singh has not disputed the factual position.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and that there is no other case registered against the petitioner; the conclusion of the trial will take some time; and the recovery fell under non-commercial category, 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 22, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO