

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

**CRM-M No.56214 of 2018 (O&M)
Date of Decision: 25.01.2019**

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition under Section 439 of the Code of Criminal Procedure has been filed for grant of regular bail to the petitioner in case FIR No.153 dated 08.10.2018, under Sections 304, 34 of the Indian Penal Code, 1860 (Section 201, IPC added vide Rapat No.34 dated 09.10.2018 and Section 21 of the NDPS Act added vide Rapat No.25 dated 10.10.2018, registered at Police Station Sadar Bathinda, District Bathinda.

Learned Counsel for the petitioner contends that recovery in this case from the petitioner is only 2 grams of *Heroin* and he is in custody since 10.10.2018. Further contends that report under Section 173 Cr.P.C. has been submitted before the Court of competent jurisdiction on 06.12.2018 and during investigation, no incriminating material was recovered from him.

The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Gurpal Singh.

The allegation against the petitioner is that he along with other co-accused used to supply the contraband to Satnam Singh and Hakam Singh (both since deceased), but there is no material available on record to that effect. Therefore, the charge under Section 304, IPC is debatable in view of the facts and circumstances of the case and same shall be considered during trial.

Since the recovery effected from the petitioner is only 2 grams of *Heroin*; he is in custody since 10.10.2018; no other criminal case is pending against him and report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction, therefore, no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is made clear that the petitioner shall fully co-operate with the proceedings before learned trial Court and in case, he deliberately delays the same or found involved in similar cases again, the prosecution would be at liberty to move an application for recalling of this order.

January 25, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes