

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

225

CRM-M-5525-2020
Date of decision: 13.02.2020

Harsh Gill @ Chabi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prince Pushpinder Rana, Advocate for
Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.121 dated 17.10.2019 under Sections 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") registered at Police Station Division No.2, District Pathankot.

As per prosecution version ASI Dharampal along with other police officials recovered 710 intoxicant tablets from possession of accused Harsh Gill in accordance with his disclosure statement from bag concealed in the bushes near boundary wall of vacant plot towards west. The petitioner, who is in custody, has filed the present petition for grant of regular bail.

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

Learned counsel for the petitioner has argued that the

petitioner has been falsely implicated in this case. The petitioner is in custody since 17.10.2019. The trial is likely to take long time. Therefore, the petitioner may be granted regular bail.

Learned State counsel, on instructions from ASI Narinder Kumar, has conceded that as per FSL report, on analysis the tablets recovered from the accused were found to be containing 'Chlorpheniramine Maleate' which does not fall within the ambit of prohibitory provisions of the NDPS Act. Learned State counsel has also placed on record copy of the FSL report.

Keeping in view the facts and circumstances of the case, nature of accusation and the FSL report, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.02.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No