

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

**CRM-M No.12421 of 2020
Date of Decision: 28.05.2020**

Gurdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Shivani Singla, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

Through the present petition filed under Section 439 of the Criminal Procedure Code, the petitioner seeks regular bail in FIR No.146, dated 18.09.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station Bhikhi, District Mansa.

2. The petitioner was arrested on the date of occurrence, itself was 18.09.2019, along with the co-accused, namely, Raju Singh.

3. Challan has since been submitted against both of them and charges were framed on 15.02.2020. Thereafter, no witness from the prosecution side has yet been examined.

4. The recovery effected from both the accused persons is said to be a chance one. The contraband seized comes within the definition of the commercial quantity. However, there is no record of the petitioner's involvement in any other case under the NDPS Act.

5. The bail application is opposed on behalf of the State on the ground that the recovery effected from the accused persons in the present case was of commercial quantity.

6. In the circumstances, at this stage, considering the long detention undergone by the petitioner and the fact that the petitioner is not involved in any other similar case, this Court is of the opinion that he is not likely to commit any similar offence while on bail. He may therefore, be released on regular bail to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned, subject to appropriate terms and conditions as deemed necessary by the said Court.

7. It is further clarified that if the petitioner is found to be engaged in any other activity under the NDPS Act, at any stage, the prosecution would be at liberty to approach the Court to seek cancellation of his bail.

8. The petition stands disposed off.

May 28, 2020

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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No