

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.201

CRM-M-13208-2020 (O&M)

Date of decision : 18.6.2020

Gurdeep Singh @ Gippi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Giri, Advocate, for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.37 dated 29.2.2020, registered at Police Station Bhogpur, District Jalandhar Rural, under Section 21 of the NDPS Act, 1985 and Sections 465, 467, 468, 471, 420 IPC.

Learned counsel for the petitioner submits that the recovery from the petitioner is 50 grams of heroin. However, the same is not conclusive as FSL report has still not been received. There is no other criminal case pending against the petitioner under the NDPS Act, 1985. Therefore, the petitioner may be granted bail pending the receipt of the report of the FSL.

Learned State counsel opposes the prayer on the ground that three different persons were arrested at the same spot seated in three different vehicles and the total recovery from them is 360 grams of heroin, which is commercial quantity. The State has 180 days to file the challan and thus, the petitioner does not deserve the concession of bail. However, it is not denied that there is no other case under the NDPS Act, 1985 pending against the petitioner.

It is true that the prosecution has the liberty to file a challan within 180 days, but till the report of the FSL is received, it cannot be said in law that recovery of contraband effected from the petitioner is heroin.

Admittedly, there is no pending case under the NDPS Act, 1985 against the petitioner and thus, I deem it appropriate to grant bail to the petitioner till the date of receipt of FSL report.

Accordingly, the petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. The petitioner will surrender before the Court on the day FSL report is submitted in Court.

(SUDHIR MITTAL)
JUDGE

18.6.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No