

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214)

CRM-M-13488 of 2020

Date of Decision: 18.06.2020

Varinder Singh Garcha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Chandan Singh Rana, Advocate, for the petitioner.
Mr. Harmandeep Singh Sullar, DAG, Punjab

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of bail, upon FIR no.52 dated 19.03.2020 having been registered at Police Station Sahnewal, District Ludhaina, alleging therein the commission of offences punishable under Section 21 of the NDPS Act, 1985.

Pursuant to the order of this court dated 11.06.2020, Mr. Harmandeep Singh Sullar, learned DAG, Punjab, submits that though he has tried to search for a judgment to the contrary, so far in the time available to him, he has not been able to find any judgment to distinguish the one cited by the learned counsel for the petitioner, i.e. **Amarsingh Ramjibhai Barot v. State of Gujarat**, AIR 2005 SC 4228.

Consequently, with the amount of heroin alleged to have been

recovered from the petitioner (as per the case of the investigating agency) being 200 grams from his pocket, which is admittedly below the commercial quantity, with the other 100 grams of heroin alleged to have been recovered from his co-passenger, also being from the pocket of that accused, without making any comment on the merits of the case, for or against the petitioner, this petition is allowed.

The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate.

18.06.2020
Vcgarg/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No