

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

CRM-M-15544 of 2020.

Decided on:- July 01, 2020.

Rajinder Singh @ Prince.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.46 dated 19.03.2020 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sirhali, District Tarn Taran.

Learned counsel for the petitioner has argued that apart from the fact that there is no FSL report in the case, the recovered quantity is 254 grams of heroin which include the weight of polythene bag as well. Vide order dated 28.05.2020 (Annexure P-2), learned Additional Sessions Judge, Tarn Taran has declined bail to the petitioner on the ground that the recovered quantity falls within the ambit of 'commercial quantity'. Had learned Additional Sessions Judge excluded the weight of polythene bag, the recovered quantity of alleged contraband would not fall within the

commercial quantity. The petitioner is in custody since 19.03.2020 and the trial is not likely to be concluded in near future when even the investigation is not complete. There is no other case against the petitioner.

Learned State counsel does not dispute the custody and the quantity of contraband allegedly recovered from the petitioner.

I have heard learned counsel for the parties.

Since the alleged recovery of 254 grams of heroin includes the weight of polythene bag, this Court finds that the weight of the polythene bag is certainly required to be adjudicated during the trial. There is no other case against the petitioner. Therefore, considering the fact that the petitioner is in custody since 19.03.2020 and the trial is not likely be concluded in near future, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

July 01, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No