

CRM-M-21423-2019 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-21423-2019 (O&M).
Decided on: January 13, 2020.**

Kulwinder Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Deepak Aggarwal, Advocate,
for the petitioner.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner prays for the grant of regular bail in case FIR No.188 dated 30.08.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station, Sangat, District Bathinda.

Learned counsel for the petitioner has argued that the alleged recovery, as per contents of the FIR, is of 24 vials of Onerex containing 100 ml. each which comes to total 2400 mls. He further submits

that the proposition of law as to whether actual contents of the prohibited substance are to be taken into consideration or the entire solution is to be taken into consideration, is still pending before a larger Bench of Hon'ble the Supreme Court in case **Hira Singh and another Vs. Union of India and another, 2017 (8) SCC 162**, He further submits that the material witnesses have been examined and the petitioner is already in custody since 30.08.2018 i.e. for more than 1 year and 4 months.

Per contra, learned State counsel has submitted that large recovery has been made from the petitioner and therefore, he is not entitled for the grant regular bail.

After hearing the rival contentions of the learned counsel for the parties and considering the totality of the circumstances, this Court deems it fit to admit the petitioner on regular bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

January 13, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No