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

**CRM-M No.45239 of 2019
Date of Decision: 25.02.2020**

**Jaspal Singh @ Pala
Vs
State of Punjab**

**.....Petitioner

.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0053 dated 29.03.2019 registered under Sections 21, 25, 27, 29 of the NDPS Act at Police Station Gharinda, District Amrtisar Rural.

The alleged recovery is of 275 grams of heroin from the petitioner.

Learned counsel for the petitioner submits that *de hors* the other mandatory compliance of the provisions under NDPS Act, the police has not deducted weight of the polythene bag in which the alleged contraband was contained.

The prosecution story is discrepant viz-a-viz the length, breadth and thickness of the polythene. Even in the challan, the

weight of the contraband is shown to be 275 grams. Police has not prepared any such memo of empty envelope showing the nomenclature of the same in terms of weight, length, breadth and layers. Upto 250 grams of the alleged contraband, the quantity is non-commercial. The difference is of 25 grams which would also be debatable.

Learned State counsel on instructions from ASI Davinder Pal Singh states that the weight of the bag though not specified in the challan, but the same cannot exceed 4-5 grams.

The hypothesis on the basis of which learned State counsel wants to develop his arguments, would also remain debatable.

Looking to the quantity of contraband allegedly recovered from the petitioner, at this stage, without meaning anything on merits of the case, the petitioner is directed to be released on regular bail who is in custody since 29.03.2019 subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Nothing expressed hereinabove, would be construed to be an expression of any opinion on merits of the case.

25.02.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No