

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

221

**CRM-M-47930-2019
Date of decision: 20.01.2020**

Gagandeep Singh @ Gagan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.P. Dhir, Advocate
for the petitioner.

Mr. Arun Kaundal, D.A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in the present 1st petition filed under Section 439 of the Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.150 dated 09.05.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Khanna, District Khanna.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. False recovery was planted on him. No independent witness was joined during investigation and the mandatory provisions of the NDPS Act were not complied with. As per the prosecution version recovery of 63 injections of Avil was allegedly made from possession of the petitioner. As per FSL report the same were found to contain salt Pheniramine Maleate which does not fall within the prohibition of the NDPS Act. Section 37(1)(b) of the NDPS

Act is not applicable to the facts of the present case. Therefore,

the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that in view of the serious allegations against the petitioner, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner and the fact that in view of FSL Report applicability of the provisions of the NDPS Act is disputed but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.01.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No