

221

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

**CRM-M No.48049 of 2019
Date of Decision: 14.01.2020**

Gurdeep Singh @ Deep

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. P.S. Sekhon, 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.74 dated 15.07.2019 registered under Sections 15 and 25 of the NDPS Act at Police Station Sudhar, District Ludhiana.

Vide order dated 04.12.2019, petitioner sought time to submit documents in respect of ownership of the car.

Today, learned State counsel on instructions from ASI Gulab Singh states that as per registration certificate of the car, the same is in the name of Pushpinder Singh son of Swaran

Singh, however, there is an affidavit in favour of the petitioner. 54 kgs. of poppy husk has been recovered from two persons i.e. petitioner and co-accused Manjit Singh. The recovery was effected from the car.

Learned counsel for the petitioner by relying upon **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal) 301** submitted that the alleged recovery was slightly more than the quantity prescribed for commercial category. The alleged recovery has been made from both the accused persons, that too, from a car.

Learned State counsel on instructions from ASI Gulab Singh states that challan has already been presented and the petitioner is in custody since 15.07.2019. By referring to the aforesaid facts, learned State counsel opposed the prayer for grant of regular bail as the recovery is commercial in nature.

At this stage, in view of debatable ground as to the recovered contraband was found to be marginally above than the prescribed limit of commercial quantity, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

January 14, 2020
Prince

(RAJ MOHAN SINGH)
JUDGE

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