

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48869 of 2019 (O&M)

Date of decision : 13.1.2020

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Suraj @ Kala

.....Petitioner

vs.

U.T. Of Chandigarh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Ashima Mor, Standing counsel for UT, Chandigarh.

Mr. Arun Gosain, Senior Panel Counsel
for CFSL, Chandigarh

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H. S. Madaan, J. (Oral)

This petition for regular bail has been filed by Suraj @ Kala, an accused in FIR No. 215 dated 9.9.2019, for offences under Sections 21 and 22 of NDPS Act, 1985, registered at Police Station East Sector 26, Chandigarh.

Briefly stated, the prosecution story is that on 9.9.2019, when apprehended by the police party in the transport area entry point, Sector 26, Chandigarh, accused Suraj @ Kala was found in possession of 7 grams of heroin, 11 strips of 24 capsules each of Tapentadol capsule 25 mg with Spasmo-Proxylon-T written on the strip, 10 strips of 24 capsules each of Piyevoine Spas C Tramadol, without any license and permit.

It is further stated, though the challan had been filed against him in the Court but the same was returned for the reason that report from the FSL had not been placed on record. That report is stated to have been received now.

As per the Standing counsel for U.T., Chandigarh, supplementary challan alongwith report is to be filed in the court.

Counsel for the petitioner has contended that even though the allegations of the prosecution version are accepted, as they are, the recovery amounts to non-commercial quantity. This fact is conceded by learned State counsel.

According to the learned counsel for the petitioner, the petitioner does not have past criminal record, which fact also is not controverted by learned State counsel and is corroborated by the custody certificate, placed on record.

The conclusion of trial is likely to take some time.

Accordingly, the petition is accepted. Petitioner – Suraj @ Kala is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Chandigarh. However, it is made clear that in case the petitioner is found indulging in any criminal act after being granted bail by this Court, this order shall be liable to be withdrawn

13.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No