

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54768-2019 (O&M)
Date of decision: 27.02.2020

Darshan Singh @ Pindi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0170 dated 26.06.2019 under Section 20(c) of NDPS Act, registered at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was apprehended by the Investigating Officer/ASI Harpal Singh, who gave him a notice to be searched before a Gazetted Officer or Magistrate. Upon which, the petitioner allegedly gave his consent that he has faith in the Investigating Officer and search can be conducted by him. DSP Dharamvir Singh was called at the spot. Thereafter, the same Investigating Officer conducted the search and 1750 tablets of Tramadol Hydrochloride and total 2250 tablets of Alprazolam were recovered. It is further submitted that the petitioner is in custody since 27.06.2019; he is first offender and it will be a

debatable issue to be decided by the trial Court, in view of the FSL report whether recovery from the petitioner would fall in the category of commercial quantity in view of judgments of the Hon'ble Supreme Court in **Bindhyachal Singh Vs. The Narcotic Control Burea, 2018 All SCR (Crl.) 256** and **Rafiq Qureshi Vs. Narcotic Control Bureau, Eastern Zonal Unit, 2019 (3) RCR (Crl.) 212**.

Learned State counsel has filed the custody certificate dated 26.02.2020 in the Court today and on instructions from HC Dilawar Singh, has not disputed the fact that the petitioner is not involved in any other case under NDPS Act, however, submitted that he is facing trial in a complaint under Section 138 of Negotiable Instruments Act.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No