

**In virtual Court**

**CRM-M-18146-2021**

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

**CRM-M-18146-2021 (O&M)  
Date of decision: 17.05.2021**

**Kawaljit Singh @ Babbu @ Gurkawaljit Singh**

**... Petitioner**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. D.S. Pheruman, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.136 dated 13.11.2018 under Sections 21/22 of NDPS Act, registered at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, recovery of 6 grams of heroin, which falls in non-commercial quantity and 760 loose intoxicant tablets having the salt of alprazolam was effected. It is further submitted that the petitioner was arrested on 13.11.2018 and the Additional Sessions Judge, vide order dated 16.01.2019, granted him interim bail, as report of the Chemical Examiner was awaited. It is also submitted that

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after about one and half year of granting interim bail, challan was presented on 11.07.2020 and notice was issued to the petitioner. Thereafter, the petitioner surrendered back on 15.03.2021.

Learned counsel for the petitioner has further submitted that the petitioner is not involved in any other case and for a period of one and half year, when he was on interim bail, has not misused the same and he is not found involved in any subsequent case. It is also submitted that there are moot points regarding the manner of investigation and effecting the recovery.

Learned State counsel has filed the custody certificate dated 16.05.2021 in the Court today, according to which, the petitioner is in custody for the last 04 months and 06 days and is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions made by them, 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.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

17.05.2021  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No