

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104+213)

CRM-37961-2021 in/and

CRM-M-23455-2021

Date of Decision : November 24, 2021

Gurpreet Singh @ Garry

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anureet S. Sidhu, Advocate, for the applicant-petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-37961-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-23455-2021, which is fixed for 24.11.2021.

Keeping in view the fact that the main case is listed for today, the application for preponement has become infructuous.

CRM stands disposed of.

CRM-M-23455-2021

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.55 dated 09.03.2021 registered under Section 22 of the Narcotic Drug and Psychotropic Substance Act, 1985 at Police Station Tripari, District Patiala.

Learned counsel for the petitioner submits that the contraband allegedly recovered from the petitioner does not amount to commercial quantity as the same is less than 1 kg and as per the definition of the commercial quantity, a quantity, which is greater than the quantity specified by the Central Government by a notification in official Gazette can only be treated as commercial quantity. Learned counsel for the petitioner further submits that even if it is assumed for the sake of arguments that 1000 ml is to be taken as 1 kg still, as the same is not over 1000 grams, the rigors of Section 37 of the NDPS Act will not come into play in the present case. Learned counsel for the petitioner further submits that in fact, the contraband allegedly recovered from the petitioner is much less than 1000 grams, if weighed.

Learned counsel for the respondent-State concedes the factum that the contraband, which was recovered from the petitioner i.e. 10 bottles of WINCIREX of 100 ml each containing Codeine Phosphate salt is less than 1 kg and hence, is not a commercial quantity as defined by the Central Government. Learned counsel for the respondent-State submits that the prosecution evidence is already in progress and out of 11 witnesses, one has already been examined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As concededly, the quantity of contraband allegedly recovered from the petitioner is not commercial in nature, rigors of Section 37 of the NDPS Act, 1985 will not be applicable in the facts and circumstances of the present case. As the petitioner is already behind the bars for the last six months and the trial is likely to take some time before it concludes, no

useful purpose will be achieved in keeping the petitioner behind the bars especially when the petitioner has undertaken before this Court in case, he is extended the benefit of bail, he will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 24, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No