

In virtual Court

CRM-M-33447 & 39654-2020

-1-

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

Date of decision: 29.01.2021

1. CRM-M-33447-2020 (O&M)

Babbu Ram @ Sattu

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-39654-2020 (O&M)

Malkit Singh @ Kinti

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present: Mr. V.B. Godara, Advocate
for the petitioner (in CRM-M-33447-2020).**

**Mr. L.S. Sekhon, Advocate
for the petitioner (in CRM-M-39654-2020).**

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to petitioners Babbu Ram @ Sattu and Malkit Singh @ Kinti, in FIR No.191 dated 13.08.2020 under Section 22(c)/27A/61/85 of NDPS Act, registered at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioners submits that as per allegations in the FIR, the police party stopped a motorcycle, which was driven by petitioner Malkit Singh @ Kinti and pillion rider was petitioner Babbu Ram @ Sattu. On suspicion, they were served with a notice under Section 50 of NDPS Act and then a Gazetted Officer was called at the spot and recovery of 50 strips containing 10 tablets each of tramadol hydrochloride 100 mg bearing batch No.TVD-19324 MFG-Oct/2019, Exp. Sep/2022, total weighing 261.5 grams along with strips was effected. It is further submitted that as per the procedure followed by the Investigating Officer, the weight of all the strips was done, which includes the weight of aluminum foil/plastic foil, in which the tablets were kept. It is thus submitted that since the recovery is marginally higher than the commercial quantity and instead of taking the weight of tablets, the Investigating Officer has taken the total weight including weight of strips, it will be a matter of trial whether the recovery falls in commercial quantity or not.

Learned counsel for the petitioners further submit that both the petitioners are not having any previous history of involvement in any other case

In virtual Court

CRM-M-33447 & 39654-2020

-3-

and there are other moot points regarding the manner, in which the investigation has been conducted and the petitioners are involved in this case.

Learned State counsel, on instructions from ASI Gurpal Singh, could not dispute that the petitioners are not involved in any other case and total weight include the weight of strips and they are in custody since 13.08.2020; challan has been presented and the case is now fixed for framing of the charge today itself.

After hearing learned counsel for the parties, considering the aforesaid submissions and the fact that it will take some time in conclusion of the trial, both these petitions are allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Both the petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.01.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No