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

**CRM-M No.32898 of 2019(O&M)
Date of Decision:05.08.2021**

GURPREET SINGH @ GOPY

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. K.S Sidhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab..

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

CRM-M No.23381 of 2021

This is an application for making necessary correction in the headnote as well as in the prayer clause of the petition.

Section 489 IPC is sought to be added along with original offences.

Notice of this application.

Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the State.

In view of the prayer made in the application, the same is allowed. Offence under Section 489 IPC is allowed to be incorporated in the headnote as well as in the prayer clause of the petition.

Application stands disposed of.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.23 dated 10.04.2019, registered under Sections 22 and 61 of NDPS and Section 489 IPC added, at Police Station Valtoha, District Tarn Taran.

As per prosecution case petitioner was apprehended during checking along with 850 intoxicant tablets without label. The recovery was effected from a polythene bag tied with the handle of the motorcycle.

According to chemical examiner's report only 10 loose tablets were subjected to chemical analysis. Average weight of one tablet was found to be 63 mg. Diphenoxylate hydrochloride was detected with average quantity of ingredient to the extent of 2.05 mg per tablet in the parcel. Since 10 loose tablets were sent for chemical analysis, therefore, weight of contraband can be considered only 630 mg. Entire bulk of loose tablets was not sent for chemical analysis. The alleged contraband i.e 630 mg

is less than the commercial quantity which as per schedule is 50 grams.

Learned State counsel however, opposed the bail but he could not dispute the factual position. Learned State counsel on instructions from SI Balvinder Singh submits that the challan has already been submitted and charges have been framed on 15.11.2019 but no prosecution witness has been examined so far.

Keeping in view the aforesaid facts and circumstances, custody of the petitioner and the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

05.08.2021

Amandeep

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No