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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-1018-2022 in
CRM-M-23773-2021

Decided on: 14th February, 2022

Sukhjinder Singh @ Golu

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amarinder Kaur, Advocate for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

CRM-1018-2022

This is an application for fixing actual date of hearing in
CRM-M-23773-2021.

Since the main case is listed today, the application stands
infructuous.

The application is disposed of as infructuous.

CRM-M-23773-2021

1. This petition under Section 439 Cr.P.C. is filed seeking regular
bail in FIR No. 31, dated 9th March, 2021, under Sections 15 and 18 of the
Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'),
registered at Police Station Sadar Sangrur, District Sangrur.

2. As per the case set up, acting upon a secret information raid
was conducted in the house belonging to Sukhjinder Singh @ Golu on 9th
March, 2021. It was found that poppy plants were grown in the house, those
were uprooted and weighed sixty one kilograms.

3. Learned counsel for the petitioner submits that petitioner is in custody since 9th March, 2021 and he has clean antecedents. There is no specific notification quantifying commercial quantity for the cannibal plants. She further argues that Section 42 of the Act was not complied with.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that non compliance of Section 42 of the Act was due to the reason that immediate raid was conducted. He on instructions from ASI Kamaljit Singh, fairly submits that petitioner is not involved in any other case under the Act.

5. Without commenting upon merits of the case, considering the custody period, petitioner has no criminal antecedents, the issue as to whether the recovery falls within the ambit of the Act or whether it is commercial quantity are debatable issue, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

14th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No